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B I L L S,

PUBLIC:

FOUR VOLUMES.

— (2.) —

FACTORIES AND WORKSHOPS

TO

MEETING OF PARLIAMENT.

Session

8 *February* — 10 *August* 1870.

VOL. II.

1870.

B I L L S :

1870.

FOUR VOLUMES:—CONTENTS OF THE

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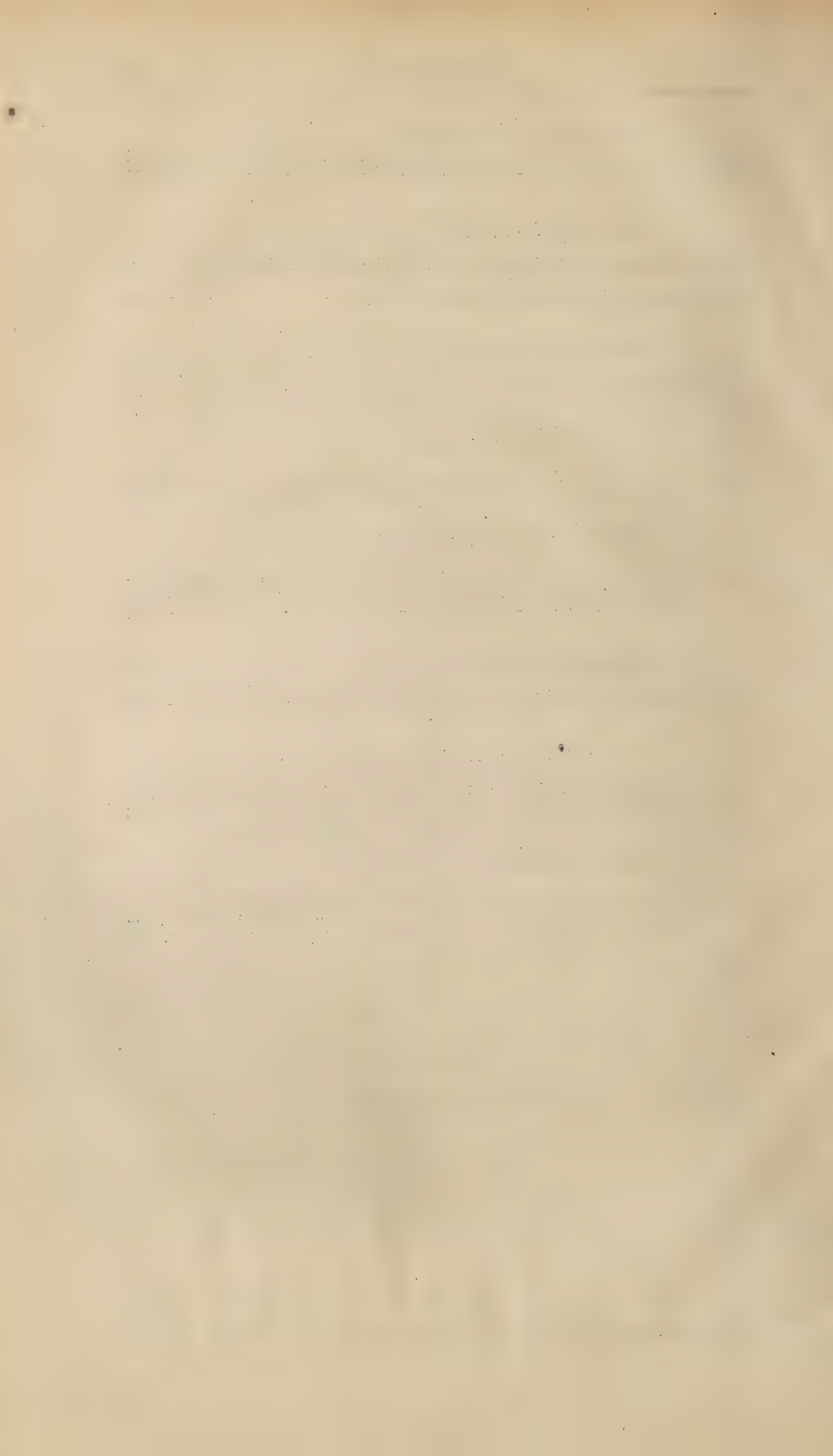
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A

B I L L

TO

Amend and extend the Acts relating to Factories and
Workshops.

A.D. 1870.

WHEREAS it is expedient to extend the Acts relating to Factories to print works and bleaching and dyeing works, and to amend the Acts relating to factories and workshops :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

Preliminary.

1. This Act may be cited as "The Factory and Workshop Act, Short title.
10 1870."

PART I.—PRINT WORKS AND BLEACHING AND DYEING WORKS.

2. This part of this Act shall be construed as one with the Factory Acts Extension Act, 1867, in this part of this Act referred to as the principal Act.

Construction
of Act.
30 & 31 Vict.
c. 103.

15 3. In this Act—

The term "printworks" means any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric, not being paper:

Definitions.
See
8 & 9 Vict.
c. 29. s. 2.

20 The term "bleaching and dyeing works" means any premises, whether in the open air or not, in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or any one or more of such processes, or any process
25 incidental thereto, are or is carried on.

23 & 24 Vict.
c. 78. s. 7.
25 & 26 Vict.
c. 8. s. 1.
26 & 27 Vict.
c. 38. s. 1.
27 & 28 Vict.
c. 98. s. 1.

4. After the *first day of January one thousand eight hundred and seventy-one*, the principal Act and the schedule thereto (con-
[Bill 150.]

Application
of Factory
Acts to

A

A.D. 1870.
—
print works
and bleach-
ing and dye-
ing works.

taining the permanent modifications) shall apply to print works and bleaching and dyeing works, in the same manner in all respects as if the word "factory" had been defined by section three of the principal Act to mean print works and bleaching and dyeing works, subject, nevertheless, to the following qualifications :

(1.) The temporary modifications contained in the first schedule to this Act shall be substituted, so far as regards print works and the process of Turkey-red dyeing, for the temporary modifications contained in the schedule to the principal Act :

(2.) The schedule to the principal Act shall be construed as if there were contained in that schedule the permanent modifications contained in the first schedule to this Act.

Repeal of
Acts.

5. The Acts mentioned in the first part of the third schedule to this Act are hereby repealed, and the Act mentioned in the second part of the same schedule is hereby repealed to the extent in the third column of that schedule mentioned.

PART II.—FRUIT AND FISH PRESERVES.

Modification
as regards
manufac-
tures of
preserves
of fruit and
fish of

30 & 31 Vict.
c. 103. and
30 & 31 Vict.
c. 146.

6. The schedule to the Factory Acts Extension Act, 1867, and the schedule to the Workshop Regulation Act, 1867, shall be construed as if there were contained in each of those schedules the permanent modification contained in the second schedule to this Act.

FIRST SCHEDULE.

TEMPORARY MODIFICATIONS.

1. During the first *six* months next ensuing the first day of January one thousand eight hundred and seventy-one, children of not less than *eleven* years of
5 age may be employed in print works for the same time and subject to the same conditions for and subject to which young persons exceeding thirteen years of age may be employed under the Factory Acts.

2. During the first *eighteen* months next ensuing the first day of January one thousand eight hundred and seventy-one, children of not less than *twelve*
10 years of age may be employed in print works for the same time and subject to the same conditions for and subject to which young persons exceeding thirteen years of age may be employed under the Factory Acts.

3. During the first *twelve* months next ensuing the first day of January one thousand eight hundred and seventy-one, children, young persons, and women
15 may be employed in print works on Saturdays until *half-past four* o'clock in the afternoon.

4. So much of the Factory Acts as provides that during any time allowed for meals no child, young person, or woman shall be employed or allowed to remain in any room in which any manufacturing process is carried on, and
20 that all the young persons employed in a factory shall have the time for meals at the same period of the day, shall not be in force with respect to print works until the expiration of *eighteen* months after the first day of January one thousand eight hundred and seventy-one.

5. During the first *thirty* months next ensuing the first day of January one thousand eight hundred and seventy-one, male young persons of not less than *sixteen* years of age may be employed in print works in the same manner as if they were male persons exceeding the age of eighteen years.

6. During the first *eighteen* months next ensuing the first day of January one thousand eight hundred and seventy-one, male young persons of not less
30 than *twelve* years of age may be employed in the process of Turkey-red dyeing for the same times and subject to the same conditions for and subject to which such persons respectively might have been employed if this Act had not passed.

PERMANENT MODIFICATIONS.

35 7. The modification numbered eighteen in the schedule to the principal Act (which relates to the employment of children, young persons, and women when the process on which they are employed is in an incomplete state beyond the hour at which they would otherwise be required to cease work), shall apply to print works and bleaching and dyeing works.

A.D. 1870.

See 7 & 8 Vict.
c. 15. ss. 33, 34.13 & 14 Vict.
c. 54. s. 5.16 & 17 Vict.
c. 104. s. 3.See
23 & 24 Vict.
c. 78. s. 8.

8. In bleaching and dyeing works time lost by the breakage of machinery may be recovered in the same manner and subject to the same conditions as time lost by stoppages from want of water or from too much water may be recovered under the Factory Acts.

9. So much of the Factory Acts as provides that all the young persons employed in a factory shall have the time for meals at the same period of the day shall not apply to male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing is carried on; and nothing in the Factory Acts shall be deemed to prevent in any such part any male young person, during the time allowed for meals to any other young person or to any child or woman, from being employed or allowed to remain in any room in which any manufacturing process is carried on, or to prevent, during the time allowed for meals to any male young person, any other young person or any child or woman from being employed or allowed to remain in any room in which any manufacturing process is carried on.

7 & 8 Vict.
c. 15. s. 31.

10. So much of the Factory Acts as provides that in any factory in which the labour of young persons is restricted to ten hours in any one day a child may be employed ten hours in any one day on three alternate days of every week, subject to the conditions specified in the said Factory Acts, shall extend to authorize, in print works and bleaching and dyeing works in which the labour of young persons is restricted to ten hours and a half in any one day, the employment of children for *ten hours and a half* in any one day on three alternate days of every week, subject to the said conditions.

11. In the operation of bleaching by the open-air process, and in the process of Turkey-red dyeing, whenever emergencies arising from the state of the weather or the nature of the processes render it necessary, any woman or young person may, subject to the provisions of the principal Act and this Act, work according to the accustomed hours of the trade: Provided that—

- (1.) The hours of actual work do not exceed *ten and a half hours* in any one day:
- (2.) The hours of actual work do not exceed *sixty hours* in any one week, such week to be reckoned between midnight on Saturday night and midnight on the succeeding Saturday night:
- (3.) Reasonable intervals for meals, amounting in the whole to not less than the amount of time required for such intervals by the Factory Acts, shall be allowed to such woman or young person:
- (4.) No such woman or young person shall be so employed between *eight* o'clock in the evening and *six* o'clock next morning.

12. Whereas the exigencies of the processes of Turkey-red dyeing require that the hours between which young persons, and women, or certain sets of them, may be employed, should be varied so as to correspond to the accustomed hours of the trade: It is hereby declared that it shall be lawful, for one of Her Majesty's Principal Secretaries of State from time to time by order, to be advertised in the London Gazette, or otherwise published in such manner as he may think fit, to give permission that in the case of any particular factory or class of factories in which the process of Turkey-red dye-

ing is carried on, young persons, and women, or any of them, or any sets of them, or of any of them, may, during the time specified in the order, or until further order, or on any day or days named in such order, be employed in such process between the hours specified in the order instead of between the 5 hours prescribed by the Factory Acts; and, so far as respects the persons referred to in any such order, the Factory Acts shall, during the continuance of such order, be read as if the hours specified in the order were throughout such Acts substituted for the hours prescribed by the Factory Acts: Provided that—

A.D. 1870.

10 (1.) No young person or woman shall be employed in pursuance of such order after *half past four* o'clock in the afternoon of Saturday.

(2) Notice of the hours between which women and young persons are to be employed in pursuance of this modification, in such form as the inspectors of factories may direct, and signed by one of such inspectors, 15 and the occupier or his agent, shall, during the continuance of the order, be kept hung up in such conspicuous place in the factory as may be required by one of such inspectors.

13. Where, under the modifications contained in any Schedule to the principal Act or to this Act, any child, young person, or woman is employed otherwise 20 than under an order of the Secretary of State, during any hours different from those of the Factory Acts, the day on which and the period during which he or she is so employed shall be entered by the occupier of the factory in a register, which shall be in such form as the Inspectors of Factories may direct, and shall be deemed to be a register within the meaning of the Factory Acts.

25

SECOND SCHEDULE.

In the manufacture of preserves from fruit, and in the processes of preserving or curing fish, women may be employed between the first of June and the thirty-first of August, for a period not exceeding *fourteen hours* on any one day: See modification 14 in 30 & 31 Vict c. 103. Sch.

Provided that—

30 1st. They shall not be so employed except between the hours of *six* in the morning and *eight* in the evening, or in a factory in which permission has been given by the Secretary of State to work between the hours of *seven* in the morning and *seven* in the evening, or of *eight* in the morning and *eight* in the evening, then except between the hours 35 of *seven* in the morning and *nine* in the evening, or *eight* in the morning and *ten* in the evening, as the case may be.

2d. In addition to the time allowed under the Factory Acts for meals, they shall be allowed half an hour for a meal after the hour of *six* in the evening.

40 3d. They shall not be so employed for more than *five* consecutive days in any one week.

A.D. 1870.

THIRD SCHEDULE.

FIRST PART.

Acts wholly repealed.

Year and Chapter.	Title.
8 & 9 Vict. c. 29.	An Act to regulate the labour of children, young persons, and women in the print works.
10 & 11 Vict. c. 70.	An Act to amend the law as to the school attendance of children employed in print works.
23 & 24 Vict. c. 78.	An Act to place the employment of women, young persons, and children in bleaching works and dyeing works under the regulations of the Factories Acts.
25 & 26 Vict. c. 8.	An Act to prevent the employment of women and children during the night in certain operations connected with bleaching by the open-air process.
26 & 27 Vict. c. 38.	An Act to amend the Act for placing the employment of women, young persons, and children in bleaching and dyeing works under the regulation of the Factories Acts.
27 & 28 Vict. c. 98.	An Act for extending the provisions of "The Bleaching and Dyeing Works Act, 1860."

SECOND PART.

Acts partly repealed.

Year and Chapter.	Title.	Extent of Repeal.
30 & 31 Vict. c. 103.	The Factory Acts Extension Act, 1867	Paragraphs two and three of section five.

Factories and Workshops.

A

B I L L

To amend and extend the Acts relating
to Factories and Workshops.

(Prepared and brought in by
*Mr. Secretary Bruce and Mr. Knatchbull-
Hugessen.*)

*Ordered, by The House of Commons, to be Printed,
30 May 1870.*

[Bill 150.]

Under 1 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend and extend the Acts relating to Factories and
Workshops.

A.D. 1870.

WHEREAS it is expedient to extend the Acts relating to Factories to print works and bleaching and dyeing works, and to amend the Acts relating to factories and workshops :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

Preliminary.

1. This Act may be cited as "The Factory and Workshop Act, Short title.
10 1870."

PART I.—PRINT WORKS AND BLEACHING AND DYEING WORKS.

2. This part of this Act shall be construed as one with the Factory Acts Extension Act, 1867, in this part of this Act referred to as the principal Act.

Construction
of Act.
30 & 31 Vict.
c. 103.

15 3. In this Act—

The term "printworks" means any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric, not being paper :

Definitions.
See
8 & 9 Vict.
c. 29. s. 2.

20 The term "bleaching and dyeing works" means any premises, whether in the open air or not, in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or
25 more of such processes, or any process incidental thereto, are or is carried on.

23 & 24 Vict.
c. 78. s. 7.
25 & 26 Vict.
c. 8. s. 1.
26 & 27 Vict.
c. 38. s. 1.
27 & 28 Vict.
c. 98. s. 1.

4. After the first day of January one thousand eight hundred and seventy-two, the principal Act and the schedule thereto (con-

Application
of Factory
Acts to

[Bill 233.]

A

A.D. 1870. print works and bleaching and dyeing works. taining the permanent modifications) shall apply to print works and bleaching and dyeing works, in the same manner in all respects as if the word "factory" had been defined by section three of the principal Act to mean print works and bleaching and dyeing works, subject, nevertheless, to the following qualification :

5

The schedule to the principal Act shall be construed as if there were contained in that schedule the permanent modifications contained in the first schedule to this Act.

Repeal of Acts,

5. After the first of January one thousand eight hundred and seventy-two, the Acts mentioned in the first part of the third schedule to this Act shall be repealed, and the Act mentioned in the second part of the same schedule shall be repealed to the extent in the third column of that schedule mentioned.

PART II.—FRUIT AND FISH PRESERVES.

Modification as regards manufactures of preserves of fruit and fish of 30 & 31 Vict. c. 103. and 30 & 31 Vict. c. 146.

6. The schedule to the Factory Acts Extension Act, 1867, and the schedule to the Workshop Regulation Act, 1867, shall be construed as if there were contained in each of those schedules the permanent modification contained in the second schedule to this Act.

15

FIRST SCHEDULE.

A.D. 1870.

PERMANENT MODIFICATIONS.

1. Whereas the customs or exigencies of the trade require that in print works and bleaching and dyeing works male young persons of the age of
 5 sixteen years and upwards should be occasionally employed beyond the hours allowed by the Factory Acts: It shall be lawful for one of Her Majesty's Principal Secretaries of State, on due proof to his satisfaction that such customs or exigencies exist in the case of any print works, or bleaching and dyeing works, and that such occasional employment is not injurious to the
 10 health of such male young persons, from time to time, by order to be advertised in the London Gazette, or otherwise published in such manner as he may think fit, to give permission that in the case of any particular factory or class of factories male young persons of sixteen years of age and upwards may be employed for a period not exceeding fifteen hours on any one day :

15 Provided that—

1st. They are not so employed except between the hours of six in the morning and nine in the evening.

2d. In addition to the time allowed under the Factory Acts for meals, they shall be allowed half an hour for a meal after the hour of six
 20 in the evening.

3d. They are not so employed on the whole for more than seventy-two days in any period of twelve months, or for more than five consecutive days in any one week.

2. Where it is shown to one of Her Majesty's Principal Secretaries of State
 25 that, by reason of the nature of any process in any print works or bleaching and dyeing works, the time for the completion of such process cannot be accurately fixed, it shall be lawful for such Secretary of State from time to time, by order, to be advertised in the London Gazette or otherwise published in such manner as he may think fit, to give permission in the case of any factory or class of
 30 factories that if, during the time limited by the order or during the continuance of the order, such process is in an incomplete state at the hour at which any child, young person, or woman employed in such process is required by this Act to cease work, such child, young person, or woman may be employed in such process for a period not exceeding thirty minutes beyond the said hour.

35 3. In bleaching and dyeing works time lost by the breakage of machinery or by reason of frost or snow may be recovered in the same manner and subject to the same conditions as time lost by stoppages from want of water or from too much water may be recovered under the Factory Acts.

4. So much of the Factory Acts as provides that all the young persons em-
 40 ployed in a factory shall have the time for meals at the same period of the day shall not apply to male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open air bleaching

See 7 & 8 Vict.
 c. 15. ss. 33, 34.
 13 & 14 Vict.
 c. 54. s. 5.
 16 & 17 Vict.
 c. 104. s. 3.

See
 23 & 24 Vict.
 c. 78. s. 8.

A.D. 1870. is carried on; and nothing in the Factory Acts shall be deemed to prevent in any such part any male young person, during the time allowed for meals to any other young person or to any child or woman, from being employed or allowed to remain in any room in which any manufacturing process is carried on, or to prevent, during the time allowed for meals to any male young person, any other 5 young person or any child or woman from being employed or allowed to remain in any room in which any manufacturing process is carried on.

7 & 8 Vict.
c. 15. s. 51.

5. So much of the Factory Acts as provides that in any factory in which the labour of young persons is restricted to ten hours in any one day a child may be employed ten hours in any one day on three alternate days of every week, 10 subject to the conditions specified in the said Factory Acts, shall extend to authorize, in print works and bleaching and dyeing works in which the labour of young persons is restricted to ten hours and a half in any one day, the employment of children for ten hours and a half in any one day on three alternate days of every week, subject to the said conditions. 15

6. In the operation of bleaching by the open-air process, and in the process of Turkey-red dyeing, whenever emergencies arising from the state of the weather or the nature of the processes render it necessary, any woman or young person may, subject to the provisions of the principal Act and this Act, work according to the accustomed hours of the trade: Provided that— 20

- (1.) The hours of actual work do not exceed ten and a half hours in any one day:
- (2.) The hours of actual work do not exceed sixty hours in any one week, such week to be reckoned between midnight on Saturday night and midnight on the succeeding Saturday night: 25
- (3.) Reasonable intervals for meals, amounting in the whole to not less than the amount of time required for such intervals by the Factory Acts, shall be allowed to such woman or young person:
- (4.) No such woman or young person shall be so employed between seven o'clock in the evening and five o'clock next morning: 30

Provided that, for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open air bleaching, women and young persons may be employed so far as is necessary for the purpose of preventing such damage. 35

7. Whereas the exigencies of the processes of Turkey-red dyeing require that the hours between which young persons, and women, or certain sets of them, may be employed, should be varied so as to correspond to the accustomed hours of the trade: It is hereby declared, that it shall be lawful for one of Her Majesty's Principal Secretaries of State from time to time, 40 by order, to be advertised in the London Gazette, or otherwise published in such manner as he may think fit, to give permission that in the case of any particular factory or class of factories in which the process of Turkey-red dyeing is carried on, young persons and women, or any of them, or any sets of them, or of any of them, may, during the time specified in the order, or 45 until further order, or on any day or days named in such order, be employed

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in such process between the hours specified in the order instead of between the hours prescribed by the Factory Acts; and, so far as respects the persons referred to in any such order, the Factory Acts shall, during the continuance of such order, be read as if the hours specified in the order were throughout such

5 Acts substituted for the hours prescribed by the Factory Acts: Provided that—

(1.) No young person or woman shall be employed in pursuance of such order after half past four o'clock in the afternoon of Saturday.

10 (2.) Notice of the hours between which women and young persons are to be employed in pursuance of this modification, in such form as the inspectors of factories may direct, and signed by one of such inspectors, and the occupier or his agent, shall, during the continuance of the order, be kept hung up in such conspicuous place in the factory as may be required by one of such inspectors.

15 8. Where, under the modifications contained in any Schedule to the principal Act or to this Act, any child, young person, or woman is employed otherwise than under an order of the Secretary of State, during any hours different from those of the Factory Acts, the day on which and the period during which he or she is so employed shall be entered by the occupier of the factory in a

20 register, which shall be in such form as the Inspectors of Factories may direct, and shall be deemed to be a register within the meaning of the Factory Acts.

SECOND SCHEDULE.

PERMANENT MODIFICATION.

25 In the manufacture of preserves from fruit, and in the processes of preserving or curing fish, women may be employed between the first of June and the twenty-fourth day of December, for a period not exceeding fourteen hours on any one day:

See modification 14 in 30 & 31 Vict. c. 103. Sch.

Provided that—

30 1st. They shall not be so employed except between the hours of six in the morning and eight in the evening, or in a factory in which permission has been given by the Secretary of State to work between the hours of seven in the morning and seven in the evening, or of eight in the morning and eight in the evening, then except between the hours of seven in the morning and nine in the evening, or eight in the

35 morning and ten in the evening, as the case may be.

2d. In addition to the time allowed under the Factory Acts for meals, they shall be allowed half an hour for a meal after the hour of five in the evening.

40 3d. They shall not be so employed on the whole for more than ninety-six days during the said period between the first day of June and the twenty-fourth day of December.

4th. They shall not be so employed for more than five consecutive days in any one week.

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THIRD SCHEDULE.

FIRST PART.

Acts wholly repealed.

Year and Chapter.	Title.
8 & 9 Vict. c. 29.	An Act to regulate the labour of children, young persons, and women in the print works.
10 & 11 Vict. c. 70.	An Act to amend the law as to the school attendance of children employed in print works.
23 & 24 Vict. c. 78.	An Act to place the employment of women, young persons, and children in bleaching works and dyeing works under the regulations of the Factories Acts.
25 & 26 Vict. c. 8.	An Act to prevent the employment of women and children during the night in certain operations connected with bleaching by the open-air process.
26 & 27 Vict. c. 38.	An Act to amend the Act for placing the employment of women, young persons, and children in bleaching and dyeing works under the regulation of the Factories Acts.
27 & 28 Vict. c. 98.	An Act for extending the provisions of "The Bleaching and Dyeing Works Act, 1860."

SECOND PART.

Act partly repealed.

Year and Chapter.	Title.	Extent of Repeal.
30 & 31 Vict. c. 103.	The Factory Acts Extension Act, 1867	Paragraphs two and three of section five.



Factories and Workshops.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend and extend the Acts relating
to Factories and Workshops.

(*Prepared and brought in by*
Mr. Secretary Bruce and Mr. Knatchbull-
Hugessen.)

Ordered, by The House of Commons, to be Printed,
21 July 1870.

[Bill 283.]

Under 1 oz.

A
B I L L

TO

Abolish the Forfeiture of Lands and Goods on Convictions of Felony. A.D. 1870.

WHEREAS it is expedient to abolish the forfeiture of lands and goods on convictions of felony :

Be it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

1. From and after the *passing of this Act* no conviction of felony shall cause a forfeiture of the lands and goods of any person so convicted, any statute or usage to the contrary notwithstanding.

Forfeiture of lands and goods not to attach to conviction of felony.

Felony.

A

BILL

To abolish the Forfeiture of Lands and
Goods on Convictions of Felony.

(Prepared and brought in by
Mr. Charles Forster, Mr. Locke King, and
Mr. Osborne Morgan.)

Ordered, by The House of Commons, to be printed,
10 February 1870.

[Bill 9.]

Under 1 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Abolish Forfeitures for Treason and Felony, and to otherwise A.D. 1870.
amend the Law relating thereto.

WHEREAS it is expedient to abolish the forfeiture of lands and goods for treason and felony, and to otherwise amend the law relating thereto :

Be it enacted, by the Queen's most Excellent Majesty, by and
5 with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. From and after the passing of this Act no confession, verdict, inquest, conviction, or judgment of or for any treason or felony
10 shall cause any attainder or corruption of blood, or any forfeiture or escheat, provided that nothing in this Act shall affect the law of forfeiture consequent upon outlawry. Forfeiture, &c.
abolished.

2. Provided nevertheless, that if any person hereafter convicted of treason or felony, for which he shall be sentenced to death, or
15 penal servitude, or any term of imprisonment with hard labour, or exceeding twelve months, shall at the time of such conviction hold any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or any place, office, or emolument in any university, college, or other cor-
20 poration, or shall be entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office, benefice, employment, or place shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable, unless such person
25 shall receive a free pardon from Her Majesty, which, in the case of any office, benefice, employment or place requiring to be filled up, shall be given within two months after such conviction, or before the filling up of such office, benefice, employment, or place if given at a later period ; and such person shall become, and (until he shall

[Bill 103.]

A

A.D. 1870. have suffered the punishment to which he had been sentenced, or such other punishment as by competent authority may be substituted for the same, or shall receive a free pardon from Her Majesty), shall continue thenceforth incapable of holding any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or of being elected, or sitting, or voting as a member of either House of Parliament, or of exercising any right of suffrage or other parliamentary or municipal franchise whatever within the United Kingdom.

Persons convicted of treason or felony may be condemned in costs.

3. It shall be lawful for any Court by which judgment shall be pronounced or recorded, upon the conviction of any person for treason or felony, in addition to such sentence as may otherwise by law be passed, to condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he shall be convicted, if to such Court it shall seem fit so to do; and the payment of such costs and expenses, or any part thereof, may be ordered by the Court to be made out of any moneys taken from such person on his apprehension, or may be enforced at the instance of any person liable to pay, or who may have paid the same, in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any Court of competent jurisdiction in any civil action or proceeding may for the time being be enforced: Provided, that in the meantime and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this Act had not passed; and any money which may be recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses may have been paid or defrayed: Provided also, that no order for the payment of any costs or expenses shall be enforced in any case in which the Attorney General or other chief law officer for the time being in that part of the United Kingdom where such persons shall have been convicted shall certify in writing that, in his opinion, the same ought not to be put in force.

Compensation to persons defrauded or injured by felony.

4. It shall be lawful for any such Court as aforesaid, if it shall think fit, upon the application of any person aggrieved, and immediately after the conviction of any person for felony, to award any sum of money, not exceeding one hundred pounds,

by way of satisfaction or compensation for any loss of property suffered by the applicant through or by means of the said felony, and the amount awarded for such satisfaction or compensation shall be deemed a judgment debt due to the person entitled to
 5 receive the same from the person so convicted, and the order for payment of such amount may be enforced in such and the same manner as in the case of any costs ordered by the Court to be paid under the last preceding section of this Act.

5. The word "forfeiture," in the construction of this Act, shall
 10 not include any fine or penalty imposed on any convict by virtue of his sentence.

The word
 "forfeiture"
 defined.

6. The expression "convict," as herein-after used, shall be deemed to mean any person against whom, after the passing of this Act, judgment of death, or of penal servitude, shall have been pro-
 15 nounced or recorded by any Court of competent jurisdiction in the United Kingdom upon any charge of treason or felony.

The word
 "convict"
 defined.

7. When any convict shall die or be made bankrupt, or shall have suffered any punishment to which sentence of death if pro-
 20 nounced or recorded against him may be lawfully commuted, or shall have undergone the full term of penal servitude for which judgment shall have been pronounced or recorded against him, or such other punishment as may by competent authority have been substituted for such full term, or shall have received Her Majesty's pardon for the treason or felony of which he may have been convicted, he shall
 25 thenceforth, so far as relates to the provisions herein-after contained, cease to be subject to the operation of this Act.

When convict
 shall cease to
 be subject to
 operation of
 the Act.

8. No action at law or suit in equity for the recovery of any property, debt, or damage whatsoever shall be brought by any convict against any person during the time while he shall be subject to the
 30 operation of this Act; and every convict shall be incapable, during such time as aforesaid, of alienating or charging any property, or of making any contract, save as herein-after provided.

Convict dis-
 abled to sue for
 or to alienate
 property, &c.

9. It shall be lawful for Her Majesty, or for any person in that behalf authorized by Her Majesty, under Her Royal Sign Manual
 35 (and which authority may be given either generally or with reference to any particular case), if to Her Majesty or to the person so authorized it shall seem fit, by writing under Her Majesty's Royal Sign Manual, or under the hand of the person so authorized as aforesaid, to commit the custody and management of the property
 40 of any convict, during Her Majesty's pleasure, to an administrator, to be by such writing appointed in that behalf; and every such

The Crown
 may appoint
 administrators
 of any con-
 vict's property.

A.D. 1870. — appointment may be revoked by the same or the like authority by which it is made; and upon any determination thereof, either by revocation or by the death of any such administrator, a new administrator may be appointed by the same or the like authority from time to time; and every such new administrator shall, upon his appointment, be and be deemed to be the successor-in-law of the former administrator; and all property vested in, and all powers given to, such former administrator by virtue of this Act shall thereupon devolve to and become vested in such successor, who shall be bound by all acts lawfully done by such former administrator during the continuance of his office; and the provisions herein-after contained with reference to any administrator shall, in the case of the appointment of more than one person, apply to such administrators jointly.

Convict's property to vest in administrators on their appointment.

10. Upon the appointment of any such administrator in manner aforesaid all the real and personal property, including choses in actions, to which the convict named in such appointment was at the time of his conviction, or shall afterwards while he shall continue subject to the operations of this Act, become or be entitled, shall vest in such administrator for all the estate and interest of such convict therein.

Remuneration of administrators.

11. If, in the instrument by which any such administrator is appointed, provision shall be made for the remuneration of such administrator out of the property of the convict, the said administrator may receive and retain for his own benefit such remuneration accordingly.

Administrators to have administration of property during sentences of convicts.

12. The administrator shall have absolute power to let, mortgage, sell, convey, and transfer any part of such property as to him shall seem fit.

Administrator to pay out of property costs of prosecution and costs of executing this Act.

13. It shall be lawful for the administrator to pay or cause to be paid out of such property, or the proceeds thereof, all costs and expenses which the convict may have been condemned to pay; and also, if he shall think fit, all costs, charges, and expenses incurred by such convict in and about his defence; and also all such costs, charges, and expenses as the said administrator may incur or be put to in or about the carrying this Act into execution with reference to such property, or with reference to any claims which may be made thereon.

Administrator may pay out of property debts or liabilities of convict.

14. The administrator may cause payment or satisfaction to be made out of such property of any debt or liability of such convict which may be established in due course of law, or may otherwise be proved to his satisfaction, and may also cause any property

which may come to his hands to be delivered to any person claiming to be justly entitled thereto, upon the right of such person being established in due course of law, or otherwise to his satisfaction. A.D. 1870.

5 15. The administrator may cause to be paid or satisfied out of such property such sum of money by way of satisfaction or compensation for any loss of property or other injury alleged to have been suffered by any person through or by means of any alleged criminal or fraudulent act of such convict, as to him shall seem
 10 just, although no proof of such alleged criminal or fraudulent act may have been made in any Court of law or equity; and all claims to any such satisfaction or compensation may be investigated in such manner as the administrator shall think fit, and the decision of the administrator thereon shall be binding: Provided always,
 15 that nothing in this Act shall take away or prejudice any right, title, or remedy to which any person alleging himself to have suffered any such loss or injury would have been entitled by law if this Act had not passed.

Administrators may make compensations out of property to persons defrauded by criminal acts of convict.

16. The administrator may cause such payments and allowances
 20 for the support or maintenance of any wife or child, or reputed child of such convict, or of any other relative or reputed relative of such convict dependent upon him for support, or for the benefit of the convict himself, if and while he shall be lawfully at large under any licence, as to such administrator shall seem fit, to be made from
 25 time to time out of such property, or the income thereof.

Administrator may make allowances out of property for support of family of convict.

17. The several powers herein-before given to the said administrator, or any of them, may be exercised by him in such order and course, as to priority of payments, or otherwise as he shall think fit; and all contracts of letting or sale, mortgages, conveyances, or
 30 transfers of property, bonâ fide made by the said administrator under the powers of this Act, and all payments or deliveries over of property bonâ fide made by or under the authority of the said administrator for any of the purposes herein-before mentioned, shall be binding; and the propriety thereof, and the sufficiency of the
 35 grounds on which the said administrator may have exercised his judgment or discretion in respect thereof, shall not be in any manner called in question by such convict, or by any person claiming an interest in such property by virtue of this Act.

Exercise of administrator's power as to priority of payments; payments by administrator for purposes of Act not to be called in question.

18. Subject to the powers and provisions herein-before contained,
 40 all such property and the income thereof shall be preserved and held in trust by the said administrator, and the income thereof may,

Property to be preserved for convict, and to revert to him or his repre-

A.D. 1870.

representatives on
completion of
sentence,
pardon, or
death.

if and when the said administrator shall think proper, be invested and accumulated in such securities as he shall from time to time think fit, for the use and benefit of the said convict, and his heirs, or legal personal representatives, or of such other persons as may be lawfully entitled thereto, according to the nature thereof; and 5 the same, and the possession, administration, and management thereof, shall re-vest in and be restored to such convict upon his ceasing to be subject to the operation of this Act, or in and to his heirs or legal personal representatives, or such other persons as may be lawfully entitled thereto; and all the powers and authorities by 10 this Act given to the said administrator shall from thenceforth cease and determine, except so far as the continuance thereof may be necessary for the care and preservation of such property or any part thereof, until the same shall be claimed by some person lawfully entitled thereto, or for obtaining payment out of such property, or 15 of the proceeds thereof, of any liabilities, or any costs, charges, or expenses, for which provision is made by this Act; for which purposes such powers and authorities shall continue to be in force until possession of such property shall be delivered up by the said administrator to some person being or claiming to be lawfully 20 entitled thereto.

Administrators
not to be liable,
except for what
they receive.

19. The said administrator shall not be answerable to any person for any property which shall not actually have come to his hands by virtue of this Act, nor for any loss or damage which may happen through any mere omission or nonfeasance on his part to any 25 property vested in him by virtue hereof.

Administrator
to receive costs
of suits of
property as
between solicitor
and client.

20. The costs as between solicitor and client of every action or suit which may be brought against the said administrator with reference to any such property as aforesaid, whether during the time while the same shall be and continue vested in him under this 30 Act, or after the same shall cease to be so vested, and all charges and expenses properly incurred by him with reference thereto, shall be a first charge upon and shall be paid out of such property unless the Court before which such action is tried or such suit is heard shall think fit otherwise to order. 35

If no administrator,
interim
curator may be
appointed by
justices.

21. If no such administrator as aforesaid shall have been appointed, an interim curator of the property of any convict may be appointed by any justices of the peace in petty sessions assembled, or where there are no petty sessions, by any justice of the peace having jurisdiction in the place where such convict before 40 his conviction shall have last usually resided, upon the application of any person who shall be able to satisfy such justice that the

application is made bonâ fide with a view to the benefit of the convict or of his family, or to the due and proper administration and management of his property and affairs; and the interim curator to be appointed may be either the person making the application, or any other person willing to accept the office, and competent to discharge its duties, as to such justice shall seem fit. A.D. 1870.

22. Before making any such appointment the justice shall require the applicant to make oath that no administrator or interim curator of the property of such convict has been to his knowledge or belief already appointed; and the applicant shall also state upon oath, to the best of his knowledge and belief, who are the nearest relatives (including any husband or wife) of such convict, and (if any such there be) where they are residing, and whether any and which of them have consented to or have had notice of such application; and it shall be competent for such justice to require notice of such application to be given to all such persons and in such manner as to such justice shall seem fit. Proceedings before justices.

23. Any interim curator so appointed may be removed, for any cause shown to the satisfaction of the justices or justice or the Court, upon the application of any relative of the convict, or of any person interested in the due and proper administration and management of his property and affairs, either by the petty sessions or justice by whom he was appointed (or, in the event of such justice dying or being unable to act, by any other justice having the like jurisdiction), or by any Court in which proceedings for an account may be instituted as herein-after provided; and upon the death or removal of any such interim curator a new interim curator may be appointed in the same manner and by the like authority as aforesaid, or (in case any such proceedings shall be then depending) by the Court in which any such proceedings shall be so depending as aforesaid. Removal of interim curator for cause shown.

24. Every interim curator so appointed as aforesaid shall have power (unless and until an administrator shall be appointed under this Act, in which case the authority of such interim curator shall thenceforth cease and determine) to sue in his own name as such interim curator, at law or in equity, for the possession and recovery of any part of the property in respect of which he shall have been so appointed, or for damages in respect of any injury thereto, and to defend in his own name as such interim curator any action or suit brought against such convict or against himself in respect of such property, and to receive and give legal discharges for all rents, dividends, interest, and income of or arising from such property, Powers of interim curator.

A.D. 1870. and also to receive and give discharges for any debts due to such convict, or forming part of his property, and to pay and discharge all or any debts due from such convict out of such property, and to settle and adjust accounts with any debtor or creditor of such convict, and generally to manage and administer the property of such convict; and also to make or cause to be made such payments and allowances for the support or maintenance of any wife or child of such convict, or of any other relative dependent on him for support, as shall be specially authorized by any such justice or Court aforesaid (who shall have power from time to time to authorize the same), or by any other Court having competent jurisdiction to authorize the same, out of the income of such property, or (in case such income shall be insufficient for that purpose) out of the capital thereof; and every such interim curator shall be entitled to retain out of such property, or out of the income thereof, all his costs, charges, and expenses properly incurred in and about the discharge of his duties as such curator.

Personal property may be sold by interim curator under special order of justices or Court.

25. Any personal property of such convict may be sold and transferred by such interim curator by and with the authority of such justice or Court as aforesaid, or of any other Court having competent jurisdiction to order the same, but not otherwise; and such interim curator shall be accountable for the proceeds of any property so sold in the same manner as for such property while remaining unsold.

Proceedings by or against interim curator not to abate if administrator is appointed.

26. All proceedings at law or in equity duly instituted by or against any such interim curator may (in case of an administrator or a new interim curator being afterwards appointed) be continued by or against such administrator or such new interim curator without any abatement thereof, the appointment of such administrator or new interim curator being entered by way of suggestion on the record, or otherwise stated upon the proceedings, according to the practice of such Court; and all acts lawfully done and contracts lawfully made by such interim curator with respect to any property of such convict before the appointment of such administrator or such new interim curator shall be binding upon such administrator or such new interim curator after his appointment.

Execution of judgments against convict provided for.

27. All judgments or orders for the payment of money of any Court of law or equity against such convict which shall have been duly recovered or made, either before or after his conviction, may be executed against any property of such convict under the care and management of any such interim curator as aforesaid, or in the

A.D. 1870.

hands of any person who may have taken upon himself the possession or management thereof without legal authority, in the same manner as if such property were in the possession or power of such convict; and all such judgments or orders may likewise be executed
 5 by writ of scire facias or otherwise, according to the practice of the Court, against any such property which may be vested in any administrator of the property of such convict under the authority of this Act.

28. It shall be competent for Her Majesty's Attorney General,
 10 or other the chief law officer of the Crown for the time being in any part of Her Majesty's dominions, or for any person who (if such convict were dead intestate) would be his heir at law, or entitled to his personal estate, or any share thereof, under the Statutes of Distribution or otherwise, or for any person authorized
 15 by Her Majesty's Attorney General, or by such chief law officer as aforesaid, in that behalf, to apply in a summary way to any Court which (if such convict were dead) would have jurisdiction to entertain a suit for the administration of his real or personal estate, to issue a writ of summons calling upon any administrator or
 20 interim curator of the property of such convict appointed under this Act, or any person who without legal authority shall have possessed himself of any part of the property of such convict, to account for his receipts and payments in respect of the property of such convict, in such manner as such Court shall direct; and it
 25 shall be lawful for such Court thereupon to issue such writ of summons, and to enforce obedience thereto, and to all orders and proceedings of such Court consequent thereon, in the same manner as in any other case of process lawfully issuing out of such Court; and such Court shall thereupon have full power, jurisdiction, and
 30 authority to take all such accounts, and to make and give all such orders and directions as to it shall seem proper or necessary for the purpose of securing the due and proper care, administration, and management of the property of such convict, and the due and proper application of the same, and of the income thereof, and the
 35 accumulation and investment of such balances, if any, as may from time to time remain in the hands of any such administrator or interim curator, or other person as aforesaid in respect of such property; and so long as any such proceedings shall be pending in any such Court, every such administrator or interim curator, or other
 40 person, shall act in the exercise of all powers vested in him under this Act, or otherwise in all respects as such Court shall direct; and it shall be lawful for such Court (if it shall think fit) to autho-

Proceedings
 may be taken
 to make admin-
 istrator or
 interim curator,
 &c. account-
 able before
 property reverts
 to convict.

A.D. 1870. rize and direct any act to be done by any such interim curator which might competently be done by an administrator duly appointed under this Act.

Administrator, &c. to be accountable to convict when property reverts.

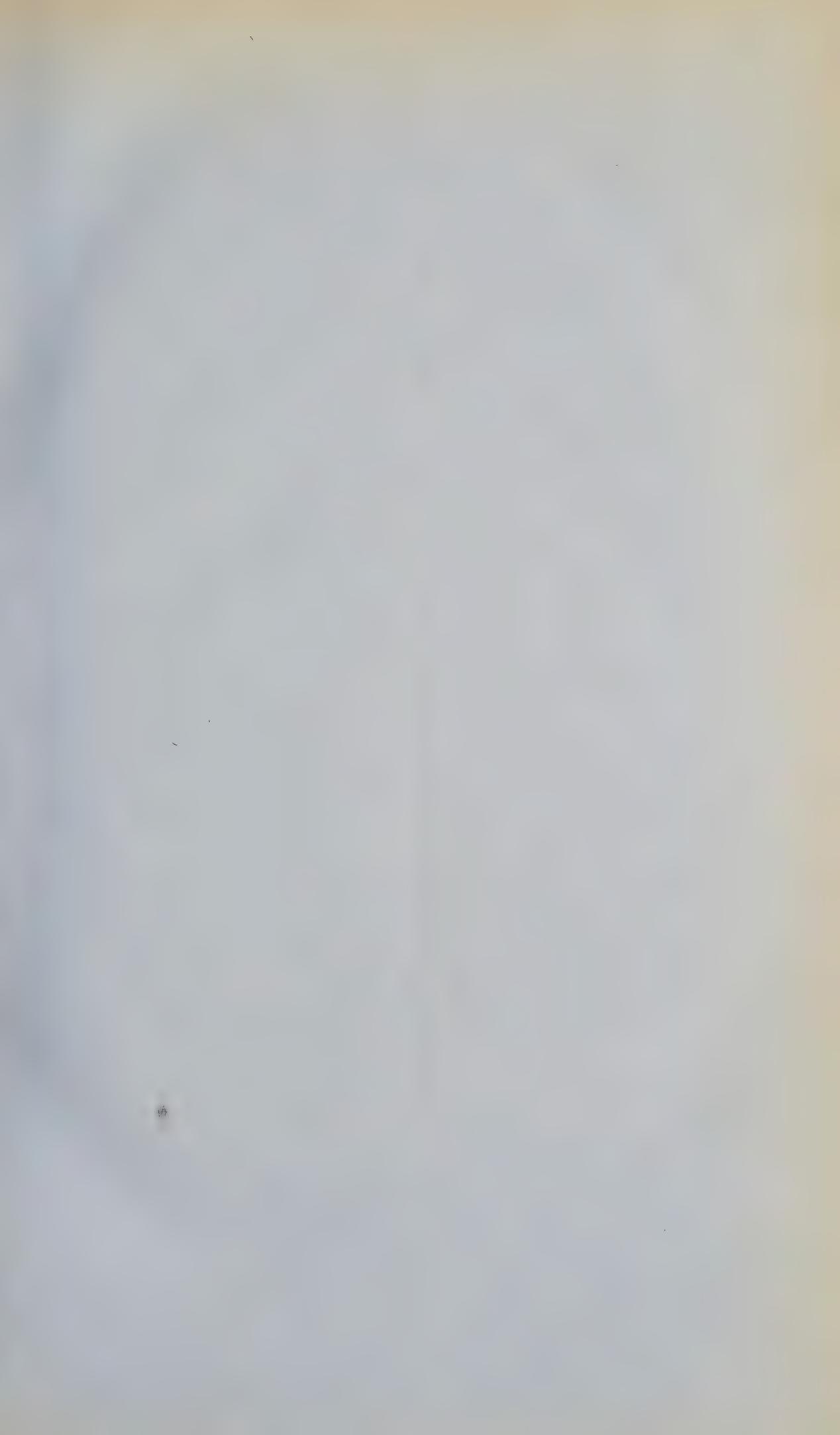
29. Subject to the provisions of this Act, every such administrator, interim curator, and other person as aforesaid shall, from and after the time when such convict shall cease to be subject to the operation of this Act, be accountable to such convict for all property of such convict which shall have been by him possessed or received and not duly administered, in the same manner in which any Guardian or trustee is now accountable to his ward or cestuique trust; but subject nevertheless and without prejudice to the administration and application of such property under and according to the powers of this Act. 5 10

Property of convict acquired while lawfully at large not to be subject to the operation of this Act.

30. Provided always, that no property acquired by a convict during the time which he shall be lawfully at large under any licence shall vest in any administrator appointed under this Act, but such convict shall be entitled thereto without any interference on the part of any administrator or interim curator appointed under this Act, and during the time last aforesaid the disabilities mentioned in the eighth section of this Act shall, as to such convict, be suspended. 15 20

Saving of general law as to felony.

31. Provided always, that nothing in this Act shall be deemed to alter or in anywise affect the law relating to felony in the United Kingdom, except as herein is expressly enacted.



Felony.

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BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To abolish Forfeitures for Treason and
Felony, and to otherwise amend the
Law relating thereto.

(Prepared and brought in by
Mr. Charles Forster, Mr. Locke King, and
Mr. Osborne Morgan.)

*Ordered, by The House of Commons, to be printed,
25 April 1870.*

[Bill 103.]

Under 2 oz.

A
B I L L

TO

Abolish Feudal and Burgage Tenure, and to amend the Law A.D. 1870.
relating to Land Rights in Scotland.

WHEREAS it is expedient to abolish feudal and burgage tenure,
and to amend the law relating to land rights and deeds in
Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Abolition of Short title.
Tenure (Scotland) Act, 1870."

10 2. The following words and expressions in this Act shall have Interpreta-
tion.
the several meanings hereby assigned to them; that is to say,

"Land" shall mean all subjects of real or heritable property
which according to the law prior to this Act are or might be
held of and under a superior according to the feudal tenure,
15 or which are or might be held in burgage tenure.

"Estate in land" shall mean any interest in land, whether in fee,
in liferent, or in security, and that either beneficial or in
trust, which according to the law prior to this Act is or
might be held as aforesaid.

20 "Estate of inheritance in land" shall signify any estate in land
which is descendible to heirs.

3. From and after the passing of this Act, the feudal tenure Feudal
tenure of
land
abolished.
of land and the relation of superior and vassal shall cease to exist
in Scotland, and shall be incapable of being created for the future;
25 every proprietor of the dominium utile of any estate in land shall
be esteemed to have the plenum dominium of such estate, and to
possess the same in absolute right, and not of or under any
[Bill 48.] A

2 *Feudal and Burgage Tenures Abolition (Scotland).* [33 VICT.]

A.D. 1870. superior ; and, without prejudice to the rights herein-after continued to or created in favour of persons who at the passing of this Act stood in the relation of superiors to vassals, the feudal rights of all such persons shall cease and determine, and the estates of which they were superiors shall be disburdened and relieved of the 5 infestments in their favour.

Service expedite to be deemed infestment ; writs by progress abolished. 4. The heir of a deceased proprietor of any estate of inheritance in land, shall be deemed validly to complete his title to the effect of taking the place of such deceased proprietor with respect to title and possession by expediting and recording the appropriate service, 10 which shall be esteemed an infestment, and shall not be under the necessity of entering with any superior ; and all charters and writs by progress are hereby abolished.

Estate to vest without service. 5. When the proprietor of any estate of inheritance in land dies, the right to such estate shall vest in the person immediately en- 15 titled as heir to succeed thereto without the necessity of service ; and such heir shall on so succeeding be deemed the proprietor of the estate, and the same shall be subject to and liable for his debts and deeds, and shall pass to his heir although he shall die unserved and uninfeft. 20

Service of deceased heir may be expedite by his heir. 6. The service of an heir may be recorded after his death on the application of his heir, or of a disponee or beneficiary under any deed of his, whether inter vivos or mortis causâ, and if an heir after succeeding to an estate shall die unserved, his heir, or a disponee or beneficiary under any deed of his may expedite and record in name of 25 such deceased heir, the appropriate service which he might himself have expedite and recorded when in life ; and such service shall have the same effect as if it had been expedite and recorded by the heir himself in his lifetime ; Provided always, that the death of the heir prior to such service, and the name and title of the party at whose 30 instance the service is expedite shall appear on the face of the proceedings, and enter the record.

Title not to be invalid through defect of entry or infestment. 7. No title to an estate in land shall be deemed invalid or defective by reason of any omission on the part of the existing or any former proprietor of such estate to enter with a superior or to 35 expedite a public infestment, or to effect consolidation of the property and superiority ; but every such omission shall be deemed to be supplied, by virtue of this Act, without any conveyancing or other procedure for that purpose.

Feu duties to become preferable real burdens. 8. The feu duty which under the existing title is payable for 40 any estate in land, shall continue to be payable to the person who at

the passing of this Act was as superior entitled thereto, and his successors, notwithstanding of the abolition by this Act of the relation of superior and vassal, and shall by virtue of this Act be and is hereby constituted a real burden, preferable to all other real burdens, upon such estate in respect of which it is payable, with the like remedies for the recovery thereof as are by law competent to creditors in real burdens. A.D. 1870.

9. The duties commonly called casualties, which, under the existing title to any estate in land, are payable to any person as superior, upon the entry of any heir or singular successor shall continue, subject to the provisions herein-after contained, to be payable to such person and his successors notwithstanding of the abolition of the relation of superior and vassal, and shall on becoming payable as herein-after provided, be deemed by virtue of this Act to be and are hereby constituted real burdens preferable, along with the feu duty, to all other real burdens upon such estate in respect of which they are payable, with the like remedies for the recovery thereof as are by law competent to creditors in real burdens; and the duty or casualty heretofore payable on the entry of an heir, shall hereafter be payable at the first term of Whitsunday or Martinmas which shall occur one year after the succession of an heir, and the duty or casualty heretofore payable on the entry of a singular successor, shall hereafter be payable at the first term of Whitsunday or Martinmas which shall occur one year after the acquisition of the estate by a singular successor: Provided always, that if on the succession of an heir, or the acquisition of a singular successor, the person on whose entry or prior succession to, or acquisition of, the estate, the duty, or casualty was paid, shall be still alive, the duty or casualty on such new succession or acquisition shall not be payable till the first term of Martinmas or Whitsunday which shall occur one year after the death of such person.

10. When and so often as an estate in land which is burdened with any such feu duty and casualties as aforesaid, shall be divided so as to belong to two or more proprietors in separate parcels, the said feu duty and casualties may be apportioned and allocated on the several parcels in such manner as may be agreed on by the several proprietors interested, and such apportionment and allocation shall be sufficiently made by a signed minute or memorandum, which need not be probative, endorsed on or appended to the several deeds of conveyance or any of them: Provided always, that the apportionment and allocation proposed to be made shall be intimated in writing to the creditor in such feu duty and casualties, who shall,

Feudal casualties to become preferable real burdens.

On division of estate feu duties and casualties may be allocated.

A.D. 1870. within three months after such intimation, be entitled to object thereto by a written notice to the said parties, but only on the ground that it is unequal and so made as to leave him without reasonable security for the whole or a material part of his claim; and upon such objection being made, the apportionment and allocation shall be adjusted and settled by the sheriff or sheriff substitute of the county where the lands lie upon a summary application at the instance of any of the parties interested, and such settlement shall be sufficiently made by a minute or memorandum signed by the sheriff or sheriff substitute endorsed on or appended to the several deeds of conveyance or any of them, and the settlement so made shall be final. 5 10

Feu duties in cases of subinfeudation. 11. Wheresoever, in consequence of several subinfeudations, the same estate in land is at the passing of this Act burdened with two or more several feu duties, payable to two or more superiors, 15 the same shall hereafter be payable by the persons respectively bound therefor and their respective successors to the persons respectively entitled thereto and their respective successors, and shall by virtue of this Act be real burdens on the land with the same priority as the several feu duties had at the passing of this Act; and the same 20 quality of being real burdens, and the same rule of priority shall hold with respect to casualties under the like circumstances.

Kain, carriages, and services. 12. Kain, carriages, and services, and generally any lawful return other than feu duty which under the existing title are prestable to the superior for any estate in land shall hereafter 25 be prestable for such estate to the person who at the passing of this Act was entitled thereto, and his lawful successors for the period of *twenty* years and no longer, and on the lapse of that period all kain, carriages, and services, and generally any return other than feu duty shall cease to be exigible for any estate in 30 land; and from and after the passing of this Act it shall not be lawful to stipulate for any such returns.

Persons in right of kain, &c., may discharge the same. 13. It shall be lawful for the person who is in right for the time of any such returns as in the preceding clause mentioned to discharge the same for all time coming on such terms as he pleases, 35 notwithstanding of any restriction or limitation in his title, and the same may be discharged by a simple receipt recorded in the register of sasines.

Annual payment reserved, to be a real burden. 14. When after the passing of this Act land is conveyed in property subject to an annual payment in money by the disponent 40 to the disponent, such annual payment shall, by virtue of this Act, be a real burden on the land without the necessity of any words of

style to constitute such real burden, and in the absence of express stipulation, shall be payable half yearly at Whitsunday and Martinmas in equal moieties, beginning the first payment at the first of those terms after the date of entry. A.D. 1870.

- 5 15. Every person in right of any feu duty or casualties, or any such annual payment as aforesaid, shall be entitled to discharge the same in whole or in part upon such terms as he pleases, notwithstanding of any restriction or limitation in his title, and the same may be discharged in the same manner as any debt secured
 10 by real burden upon land, and it shall be no objection to such discharge with respect to any duties or casualties, or annual payment, that they are future and uncertain, and that nothing is due at the time when such discharge is granted.

Person in right of feu duty, casualties, &c. may discharge the same.

16. All obligations, including obligations of warrandice and
 15 of relief, which, under the existing title to any estate in land, are incumbent on the person who, at the passing of this Act, stood in the relation of superior to the proprietor thereof, shall continue to be incumbent on such person and his successors, according to the character of such obligations respectively, notwithstanding the abolition by this Act of the relation of superior
 20 and vassal; and such obligations as, before the passing of this Act, transmitted with the superiority against the superior for the time, shall hereafter transmit with the right to receive the feu duty against the party having that right, in favour of the proprietor
 25 of the estate.

Obligations of warrandice, relief, &c. to continue binding.

17. The conditions of any feu right heretofore enforceable by the superior shall hereafter be enforceable by the person for the time entitled to the feu duty, notwithstanding of the abolition of feudal tenure, provided such person have a legitimate interest to
 30 enforce the same.

Conditions of feu to continue enforceable.

18. The rights which are by this Act continued to or created in favour of persons who at the passing thereof stood in the relation of superiors to vassals, and rights to real burdens by virtue of this Act, shall be heritable with respect to succession, shall descend to
 35 and vest in heirs without the necessity of service, shall be transmissible by assignation, which need not be recorded or intimated, and shall pass by will; provided always, that any heir succeeding to such rights as aforesaid shall be at liberty to expedite and record a service for the purpose of establishing his character of heir.

Rights coming in lieu of feu duties, &c. to be heritable.

19. A trust deed containing a conveyance of lands to trustees, or any notarial instrument following thereon in favour of such

Trust deed when re-

A.D. 1870. trustees, when recorded in the register of sasines, shall be deemed
 corded to be a valid title. a valid and complete title, not only to the trustees named therein,
 but also to any trustee or trustees, factor or factors, curator or
 curators, subsequently assumed or in any valid manner appointed
 to execute the trust. 5

Fees of
 conquest
 abolished.

20. The distinction between fees of heritage and fees of conquest is hereby abolished with respect to all successions opening after the passing of this Act, and fees of conquest shall descend in the same manner as fees of heritage.

Burgage
 tenure
 abolished.

21. Burgage tenure is hereby abolished; the proprietors of, and 10
 all others having any legal estate in, subjects which at the passing
 of this Act were held in burgage shall be esteemed to have the same
 right which under this Act would have belonged to them had the
 tenure been feu instead of burgage, and there shall not hereafter
 be any distinction between subjects or estates which were held 15
 in burgage and subjects or estates which were held in feu at
 the passing of this Act, with respect to conveyances relating
 thereto, or any of the matters or things to which the provisions of
 this Act relate: Provided always, and be it enacted that titles to and
 securities over subjects situated within the royalty of any royal burgh. 20
 shall be recorded in the burgh register.

Reduction
 ex capite
 lecti abo-
 lished.

22. No deed, instrument, or writing, whether made before or after the passing of this Act, shall be liable to challenge or reduction on the head of death-bed.

Prescription
 upon title
 acquired for
 fair price.

23. Where an estate in land has been sold for a fair price, 25
 and in pursuance of such sale an ex facie valid conveyance has
 been granted and duly recorded, and the estate has been possessed
 in virtue of such conveyance by the purchaser or any persons
 deriving right from him, for a period of *seven* years after the
 date of recording the same in the register of sasines, without lawful 30
 challenge, the title of such purchaser or person deriving right from
 him shall not thereafter be open to challenge, on the ground of any
 defect in the title of the seller.

Period of
 prescription
 under
 Act 1617,
 shortened.

24. The period of prescription specified in the Act one thousand
 six hundred and seventeen, chapter twelve, is hereby, but in so far 35
 only as regards the property of lands and heritages, reduced from
 forty to *fourteen* years, and any ex facie valid conveyance or
 service duly recorded shall be a good foundation for a prescriptive
 title: Provided always, that this enactment shall not be available
 or pleadable in any action commenced prior to first January one 40
 thousand eight hundred and seventy-two.

25. With a view to diminish the expense of searches by reducing the period over which they extend, it is hereby provided that the creditor in any security or incumbrance affecting any land or heritage which shall have continued or which shall hereafter continue to subsist after the expiry of fourteen years from the time when the same was recorded in the register of sasines, shall cause the fact of the continued subsistence thereof to be noted in the said register by giving in for registration a note signed by himself or his agent, who must be a regularly admitted and certificated law agent, simply stating the amount and subsistence of the incumbrance or security, and specifying in such manner as may identify it the recorded deed or instrument on which it stands; and the keeper of the register of sasines is hereby authorized to record every such note so presented; and such note may be given in to be recorded at any time, but the security shall be ineffectual in competition with rights completed in good faith and without notice in the interval between the expiry of said period of fourteen years and the giving in of such note to be recorded: Provided always, that this enactment shall not come into operation till first January one thousand eight hundred and seventy-two.

A.D. 1870.

—
Note of incumbrance to be recorded by creditor every four teen years.

26. Any deed or instrument may be either written or printed, or partly written and partly printed, and numbers may be stated either in words or figures; and it shall be no objection to the probative character of any deed or instrument that the writer or printer thereof is not named or designed, or that the number of pages of which it consists is not specified.

Deed may be written or printed.

27. No deed, instrument, or writing shall be deemed invalid or denied effect according to its legal import, because of any defect or informality of execution; but the burden of proving the genuineness of any deed, instrument, or writing which is not so executed as to be probative, shall lie upon the party using or upholding the same.

Deed not to be invalid because improbative.

28. No deed, instrument, or writing shall be denied effect according to what the Court judging thereof, shall be satisfied is the true intendment and meaning of the same, because of the omission or inaccurate use of any voces signatæ or words of style.

Deed not to be invalid for omission of words of style.

29. Every deed, instrument, or writing, including holograph writings, shall, in the absence of evidence to the contrary, be deemed to have been executed or made of the date it bears.

Presumption as to date of deed.

30. A conveyance of land made in the form set out in Schedule (A.) hereunto annexed, or in a similar form, shall be deemed valid, and

Effect of conveyance in form of Schedule A.

A.D. 1870.

being recorded in the register of sasines, shall be deemed an infeftment, and a valid and complete title in favour of the disponee, who shall, in virtue thereof, in the absence of express stipulation on the subject, be entitled to possession, and when the subjects are let, to the rents for the possession, subsequent to the period of entry specified, or if none be specified, then subsequent to the first term of Whitsunday or Martinmas after the date of the conveyance; and any annual payment stipulated shall be a real burden, and the disponee shall by acceptance of the conveyance become bound in payment thereof, and so long as it remains a real burden the owner of the land for the time shall be personally bound therefor: and such conveyance shall in the absence of stipulation to the contrary imply, first, an obligation on the disponent and his heirs of absolute warrandice; second, an assignation by the disponent and his heirs to the disponee and his heirs of the rents and writs, and all obligations by others in their favour to make writs furthcoming, and of relief from burdens or taxes; and, third, a consent to registration for preservation and execution. 5 10 15

Effect of
bond in form
of Schedule
B.

31. A bond and security over land made in the form set out in Schedule (B.) hereunto annexed, or in a similar form, shall be deemed valid, and being recorded in the register of sasines shall be deemed an infeftment in favour of the creditor therein as effectual in every respect as a duly recorded bond and disposition in security in the form heretofore in common use for the principal sum, interest, and penalty, and shall imply a power to the creditor to enter to, and to sell the lands or other subjects on the expiry of the specified period of notice in the same manner and to the same effect as under the ordinary power of sale usually inserted in a bond and disposition in security, and also a consent to registration for execution, of the same validity and force as the clause of registration ordinarily in use. 20 25 30

Bond transferable by assignation.

32. Such bond and security as aforesaid shall be transferable by assignation.

Act to apply to lands held of Crown.

33. The provisions of this Act shall apply to lands held of the Crown in the same way as to lands held of subject superiors, but shall not prejudice or affect the *jus coronæ* as a title to lands and heritages. 35

Acts and usages inconsistent herewith repealed.

34. All statutes, laws, and usages inconsistent with any of the provisions of this Act shall be and are hereby repealed.

SCHEDULES.

SCHEDULE (A.)

I *A.B.* [*name and designation of disponent*] in consideration of [*state consideration briefly*] disposes to *C.D.* [*name and designation of donee*] and his heirs, the lands of [*or otherwise, according to the subject of the conveyance, a description sufficient for identification being here inserted*] with entry [*state term of entry*]. In witness whereof, &c.

NOTE 1.—Should an annual payment be stipulated for, insert a clause in the following or a similar form:—“This conveyance is made under the real burden of an annual payment of £ [*state sum*], which the said *C.D.* and his heirs are by acceptance personally bound to pay to me and my heirs half-yearly at Whitsunday and Martinmas, commencing at [*state term of first half-yearly payment*], with interest at per cent., and a fifth part more of penalty in case of failure.”

NOTE 2.—Should the disponent be under obligation to pay feu duty or other annual payment for the land conveyed, then after the dispositive clause insert a clause in the following or a similar form:—“The feu duty [*or annual payment*] heretofore payable by me, and hereafter to be paid by the said *C.D.* to [*name and design person to whom payable*] is £ [*state amount*].”

SCHEDULE (B.)

I *A.B.* [*name and designation of grantor*] acknowledge myself to be owing to *C.D.* [*name and designation of grantee*] the sum of £ , which I bind myself to pay on three months notice [*or as may be agreed on*], and until payment I bind myself to pay interest at per cent. half-yearly at Whitsunday and Martinmas, commencing [*state term of first payment*], with a fifth part more of penalty in case of failure: And for the due performance of said obligation for principal, interest, and penalty, I grant to the said *C.D.* security over my lands of [*or otherwise according to the subject over which security is given, a description sufficient for identification being here inserted*]. In witness whereof, &c.

Feudal and Burgage Tenures Abolition (Scotland).

A

B I L L

To abolish Feudal and Burgage Tenure,
and to amend the Law relating to
Land Rights in Scotland.

(*Prepared and brought in by*
The Lord Advocate and Mr. Secretary Bruce.)

Ordered, by The House of Commons, to be Printed,
24 February 1870.

[Bill 48.]

Under 2 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Abolish Feudal and Burgage Tenure, and to amend the Law A.D. 1870.
relating to Land Rights and Deeds in Scotland.

WHEREAS it is expedient to abolish feudal and burgage tenure,
and to amend the law relating to land rights and deeds in
Scotland :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Abolition of Short title.
Tenure (Scotland) Act, 1870."

10 2. The following words and expressions in this Act shall have Interpretation.
the several meanings hereby assigned to them ; that is to say,

" Land " shall include all subjects of real or heritable property,
which, according to the law prior to this Act, were or might be
held of a superior according to feudal tenure, or which were
15 or might be held in burgage tenure :

" Estate in land " shall mean any interest in land, whether in fee,
liferent, or security, and whether beneficial or in trust, which,
according to the law prior to this Act, was or might be held as
aforesaid :

20 " Estate of inheritance in land " shall mean any estate in land
descendible to heirs :

" Conveyance " shall have the meaning attached to it by "The
Titles to Land Consolidation (Scotland) Act, 1868," and shall
include all the writs specified in that Act, and shall also include
contracts of ground rent, and instruments of clare constat :

25 " Casualties " shall include the relief duty payable on the entry
of an heir, the composition payable on the entry of a singular
[Bill 130.] A

A.D. 1870.

successor, non-entry duties, and all other payments exigible in lieu of such duties and compositions :

“ Sheriff ” shall mean the sheriff or sheriff-substitute of the county, or steward or steward-substitute of the stewartry, in which any land is situated. 5

Feudal
tenure of
land
abolished.

3. From and after the passing of this Act, the feudal tenure of land, and the relation of superior and vassal, shall cease to exist in Scotland, and shall be incapable of being created for the future ; and every proprietor of the dominium utile of any estate in land shall have and possess the plenum dominium of such estate, in 10 absolute right, and not of or under any superior ; and every infeftment of any such proprietor shall be deemed to be a public infeftment ; and all charters and writs by progress are hereby abolished : Provided always, that the feu-duties, casualties, and other rights and interests of persons, who at the passing of this Act stood in the 15 relation of superiors to vassals, shall continue to be vested in them, under and by virtue of their existing titles and infeftments, which, subject to the provisions herein-after contained, shall continue to subsist as titles to such feu-duties, rights, and interests ; and the same shall be deemed to be an estate of inheritance in land. 20

Completion
of heir's
title.

4. The heir of a deceased proprietor of any estate of inheritance in land, shall be deemed validly to complete his title, to the effect of taking the place of such deceased proprietor with respect to title and right to possession, by expeding and recording in the register of sasines a service, or a notarial instrument according to the form 25 now in use, or an instrument of clare constat in the form set out in Schedule (A.) hereto annexed, or in a similar form.

Estate to
vest without
service.

5. Where the proprietor of any estate of inheritance in land dies, the personal right to such estate shall vest in the person immediately entitled as heir to succeed thereto, without the necessity 30 of service ; and such heir shall, on so succeeding, be deemed the proprietor of the estate, and the same shall be subject to and liable for his debts and deeds, and shall pass to his heir or disponent although he shall die not served and not infeft : Provided always, that no heir shall be liable for the debts of his ancestor, beyond the 35 value of the estate of such ancestor to which he succeeds as heir.

Completion
of title when
deceased
heir not
served.

6. A title, as heir to, or disponent of, a proprietor of any estate in 40 land who has died not infeft and not served, but vested with a personal right to such estate, by virtue of this Act or otherwise, may be made up in the like manner as if such deceased heir or disponent held a disposition from the proprietor last infeft in said estate : Provided always, that in the service, or notarial instrument, or other

writ expedie for completing such title, and recorded in the register of sasines, there shall be set forth the name and designation of every such proprietor having only a personal right who has intervened between the proprietor last infeft, and the person so making up a title.

A.D. 1870.

7. No title to any estate in land shall be deemed invalid or defective by reason of the existing or any former proprietor not having entered with a superior, or expedie a public infeftment, or effected consolidation of the property and superiority.

Title not to be invalid through defect of entry or public infeftment, or want of consolidation. Feu-duties to continue payable.

10 8. The feu-duty, which under the existing title is payable for any estate in land, shall continue to be payable to the person, who, at the passing of this Act was, as superior, entitled thereto, and his successors, notwithstanding the abolition by this Act of the relation of superior and vassal; and the proprietor of such estate, and all persons, who, if this Act had not been passed, would have been personally liable for such feu-duty, shall be personally liable therefor; and the person in right of such feu-duty for the time shall have all the remedies, including action of declarator of irritancy ob non solutum canonem, against the person liable therefor, and against such estate itself, which he would have had if this Act had not been passed; and the summons in such action of declarator may be in the form set out in Schedule (B.) hereto annexed, or in a similar form.

Mode of recovery of feu-duty.

9. The casualties which, under the existing title to any estate in land, are payable to any person as superior, upon the entry of any heir or singular successor, shall continue, subject to the provisions herein-after contained, to be payable to such person and his successors, notwithstanding of the abolition of the relation of superior and vassal, and shall, on becoming payable, be deemed by virtue of this Act to be, and are hereby constituted, real burdens preferable to all other real burdens, upon the estate in respect of which they are payable, with the like remedies for the recovery thereof as are by law competent to creditors in real burdens; and the duty or casualty, heretofore payable on the entry of an heir, shall hereafter be payable at the first term of Whitsunday or Martinmas which shall occur six months after the succession of an heir, and the duty or casualty, heretofore payable on the entry of a singular successor, shall hereafter be payable at the first term of Whitsunday or Martinmas which shall occur six months after the acquisition of the estate by a singular successor: Provided always, that if, on the succession of an heir, or the acquisition of a singular successor, the person on whose entry, or prior succession to, or acquisition of, the estate, the duty or casualty was paid, shall be

Feudal casualties to remain payable, and to become real burdens.

A.D. 1870. still alive, the duty or casualty, on such new succession or acquisition, shall not be payable till the first term of Whitsunday or Martinmas which shall occur six months after the death of such person: Provided also, that no interest shall accrue upon any such casualty as aforesaid until the person entitled thereto shall have obtained a written acknowledgment of liability, or the decret of a competent court therefor; and that if any heir or singular successor shall, before action raised, or having given such written acknowledgment, have died or parted with the estate, so as to put another person in the position of an heir or singular successor upon whose acquisition a casualty is payable, all claim for a casualty, on the succession or acquisition of the heir or singular successor who has so died or parted with the estate, shall cease and determine: Provided further, that the value of any buildings erected or improvements made after the passing of this Act, shall not be taken into account in fixing the amount of the casualty, where the entry of a singular successor is untaxed; and that, unless where otherwise stipulated, corporations shall pay, every twenty-fifth year, a sum equal to what, but for the passing of this Act, would have been payable on entry by a singular successor.

On division of estate feu-duties and casualties may be allocated.

Allocation by parties.

Allocation by sheriff.

10. Where any land, burdened with any feu-duty and casualties as aforesaid, shall be divided so as to belong to two or more proprietors, in separate parcels, such feu-duty and casualties, notwithstanding there may be no power to that effect expressly stipulated, may be allocated on the several parcels, as may be agreed on by the several proprietors interested, but so as not in any case to leave a sum under one pound of feu-duty payable from any one parcel; and such allocation may be made by a memorandum, signed by the parties or their agents, in the form of Schedule (C. No. 1.) hereto annexed, or in a similar form, and recorded in the register of sasines: Provided always, that the allocation, proposed to be made, shall be intimated in writing to the creditor in such feu-duty and casualties, or his known agent, and such creditor shall, within three months after such intimation, be entitled to object thereto by a written notice to the said parties or their known agents, but only on the ground that it is unequal and not sufficiently secured; and, upon such objection being made, the allocation shall be settled by the sheriff upon a summary application, at the instance of any of the parties interested, the expense of which application shall be borne by the party seeking allocation, and where litigation shall arise the expenses shall be borne as the sheriff may determine; and such allocation may be made by a memorandum in the form of Schedule (C. No. 2.) hereto annexed, or in a similar form, signed by the sheriff, and recorded as

aforesaid, which shall be final, and not subject to review by any court :
 Provided always, that, where subsisting feu-duties shall be so allo-
 cated, the following additions, unless other sums have been specially
 stipulated in the title, shall be made thereto, and shall be recover-
 5 able as if such additions had been contained in the original feu-right ;
 viz. if the future payment amount to ten pounds, and do not exceed
 twenty pounds per annum, an addition of five per cent. ; if it amount
 to five pounds, and not to ten pounds, an addition of ten per cent. ;
 and if it amount to one pound, and not to five pounds, an addition
 10 of fifteen per cent. : Provided also, that in all cases where additions
 shall be made to the feu-duty, such additions shall be specified in
 such memorandum as aforesaid : Provided further, that where it may
 be proposed to allocate a feu-duty as aforesaid, it shall be lawful for
 the creditor in the original feu-duty to insist that, in place of such
 15 allocation, the same shall be redeemed and discharged on payment
 of a sum equal to twenty-two years' purchase thereof : Provided
 further, that feu-duties subject to the fetters of an entail may be
 redeemed as aforesaid, notwithstanding such entail.

—
 Addition to
 feu-duty in
 certain
 cases.

Option to
 creditor to
 claim re-
 demption of
 feu-duty.

Entails not
 to bar
 redemption.

11. It shall be lawful for the proprietor of any land, in respect of
 20 which casualties may be exigible, to insist that the same, after pay-
 ment of any casualty that may be actually exigible at the time, shall
 be redeemed and discharged, upon payment of the compensations
 following, or, in his option, of an annual sum in place thereof, as
 herein-after provided, viz.,—

Redemption
 of casualties:

25 (1.) Where the composition, payable in respect or in lieu of the
 entry of a singular successor, shall be payable upon the
 expiration of a fixed interval exceeding twenty years, or
 upon the death of a previous proprietor of the land, the
 compensation, where such composition has been taxed,
 30 shall be equal to one such composition and a half, and
 where untaxed, equal to one and a half year's rent, or
 annual value if unlet, of the land at the time of redemp-
 tion, under deduction of one-fourth part of such rent or
 annual value, for burdens, repairs, and all other usual
 35 abatements ; and also under deduction of the value of
 buildings erected, or improvements made, after the passing
 of this Act :

On payment
 of a capital
 sum,

(2.) Where such composition shall be payable upon the expiration
 of a fixed interval of twenty years or under, or upon each
 40 transfer of land, or within a fixed period thereafter, the
 compensation shall, where such composition has been
 taxed, be equal to double such taxed composition, and

A.D. 1870.

where untaxed, equal to double the rent, or annual value if unlet, of the land at the time of redemption, under the deductions above provided:

or on pay-
ment of an
annual sum.

Provided always, that it shall be lawful to the debtor to insist, that, in place of the capital sum of redemption money for casualties 5 above provided, there shall be paid an annual sum, equal to interest at the rate of four per cent., upon such capital sum; and in that case, a memorandum, in the form set forth in Schedule (D.) hereto annexed, or in a similar form, of the amount of such annual sum, shall be signed by the parties or their agents, and recorded in the 10 register of sasines, whereupon such annual sum shall form an addition to the feu-duty, if any, with the same preference; and with the like liabilities and remedies for recovery, as are above provided in respect of feu-duties; and provided also, that casualties subject 15 to the fetters of an entail may be redeemed as aforesaid, notwithstanding such entail.

Entails not
to bar re-
demption.

Kain, car-
riages, and
services may
be redeemed
or com-
muted.

12. Kain, carriages, and services, and generally any returns other than feu-duty, which, under the existing title, are exigible by the superior for any estate in land, may be redeemed and discharged by agreement between the parties, upon payment of a capital sum as 20 compensation, or, at the desire of either party, may be commuted to an annual payment of a sum, which has for a period of five years been paid as the commuted value thereof, or, where there has not been such payment in money for the period of five years, then of a sum equal to the average value thereof for the period of five years 25 preceding, as the same may be agreed on by the parties, or fixed by the sheriff on the application of either party, and his judgment shall be final and not subject to review by any court; and on a memorandum of such annual payment, in the form set forth in Schedule (E.) hereto annexed, or in a similar form, signed by the parties 30 or their agents, being recorded in the register of sasines, the same shall form an addition to the feu-duty, if any, with the same preference, and with the like liabilities and remedies for recovery, as are above provided in respect of feu-duties: Provided always, that such kain and others above specified, subject to the fetters of an entail, may 35 be redeemed or commuted as aforesaid, notwithstanding such entail.

Entails not
to bar
redemption
or commuta-
tion.

Obligations
of warran-
dice, relief,
&c. to con-
tinue bind-
ing.

13. All obligations, including obligations of warrandice and of relief, which, under the existing title to any estate in land, are incumbent on the person who, at the passing of this Act, stood in the relation of superior to the proprietor thereof, shall 40 continue to be incumbent on such person and his successors,

according to the character of such obligations respectively, notwithstanding the abolition by this Act of the relation of superior and vassal; and such obligations as, before the passing of this Act, transmitted with the superiority against the superior for the time, shall hereafter transmit with the right to receive the feu-duty, against the party having that right, in favour of the proprietor of the estate. A.D. 1870.

14. The conditions of any feu right heretofore enforceable by the superior, and not by this Act abolished, shall hereafter be enforceable by the person for the time entitled to the feu-duty, provided such person have a legitimate interest to enforce the same: Provided always, that all conditions to the effect that the superior shall be entitled to select or appoint an agent to prepare or record conveyances or other deeds, having reference to the estate of the vassal, or to restrain or restrict the vassal in the selection of an agent to prepare or record such conveyances, or to secure any privilege of the nature of a monopoly to the superior's agent, or to an agent or agents selected or appointed by him, shall, after the passing of this Act, be null and void, and all enactments to the like effect in any Act of Parliament shall be, and the same are, hereby repealed; and no conditions of the like kind, made after the passing of this Act, shall be binding, or capable of being enforced.

Conditions of feu to continue enforceable. Exception.

15. Burgage tenure is hereby abolished; the proprietors of, and all others having any legal estate in, subjects, which at the passing of this Act, were held in burgage, shall have the same right, which under this Act would have belonged to them, had the tenure been feu instead of burgage, and there shall not hereafter be any distinction between subjects or estates, which were held in burgage, and subjects or estates which were held in feu, at the passing of this Act, with respect to conveyances relating thereto, or any of the matters or things to which the provisions of this Act relate; and any writs specially applicable to burgage tenure, by magistrates of burghs, are hereby abolished: Provided always, that titles to, and securities affecting, subjects heretofore held burgage, shall continue to be recorded in the burgh register of sasines: Provided also, that titles, under which land held burgage is possessed at the passing of this Act, and which have not been brought under challenge prior to the passing hereof, shall not be subject to challenge, in respect of the same having been made up under an erroneous form of holding, and, upon a notarial instrument in the form of Schedule (E.) hereto annexed, or in a similar form, being recorded in the burgh register

Burgage tenure abolished.

Registration of burgage writs. Challenge of erroneous titles barred.

A.D. 1870.

of sasines, such titles and notarial instrument shall form valid titles to such land.

Form of conveyances.

16. Conveyances of land in the form set out in Schedule (F.) hereto annexed, or in a similar form, shall be valid conveyances, and, when recorded in the register of sasines, shall be valid and complete titles in favour of the disponent; and in any conveyance in which it is necessary to describe an estate in land, the same may be described in the manner set out in that schedule. All words and clauses in said schedule, to which a special meaning or import is attached by the fifth, seventh, and eighth sections of "The Titles to Land Consolidation (Scotland) Act, 1868," shall have the like meaning and import, when used in any conveyance under this Act. The clause of obligation to relieve of burdens shall, unless specially qualified, import an obligation to relieve of all public and parochial burdens, and of all ground rents, ground annuals, and other periodical payments, feu-duties, casualties, or conversions thereof, and other duties and services due from, or on account of, the land conveyed, prior to the date of entry. The words "with and under the real burden" shall import a real burden on the land disposed. The clause granting power of sale, shall have the same import, and shall be in all respects as valid, effectual, and operative, as if the conveyance had contained the provisions and declarations, having reference to powers of sale, which are set forth in the one hundred and nineteenth section of "The Titles to Land Consolidation (Scotland) Act, 1868," and shall entitle the person, to whom the stipulated ground rent is payable, to sell the lands, in the manner and to the effect provided in that Act, in the event of such ground rent being due and unpaid for a period of two years or upwards.

Heirs of entail may convey under reservation of ground rent.

17. It shall be lawful for any heir of entail, entitled by deed of entail or by Act of Parliament to feu an entailed estate, or part thereof, to grant, after the passing of this Act, conveyances thereof, under reservation of a ground rent payable to him and his successors, in the form No. 2 or No. 3 of Schedule (E.) hereto annexed, or in a similar form.

Ground rents vested under existing titles.

18. Ground rents, and other rights and interests, reserved or constituted in any conveyance by this Act authorised, in favour of the disponent of the land thereby conveyed, shall be vested in him under his titles to the land, and the same shall be deemed to be an estate of inheritance in land.

Securities for cash accounts or credits.

19. So much of the seventh section of the Act nineteenth and twentieth Victoria, chapter ninety-one, as provides that the principal and interest which may become due upon cash accounts or credits shall be limited to a certain definite sum to be specified in

the security, such definite sum not exceeding the amount of the principal sum, and three years' interest thereon, at the rate of five pounds per centum, is hereby repealed; and any heritable security granted or to be granted for a cash or credit account, under the

A.D. 1870.

5 authority of the said Act, or of any other Act relating to heritable securities, shall be valid and effectual for payment, to any bank or banker or other lender, and to any cautioner or other person entitled thereto, of the principal sum specified in such security granted or to be granted as aforesaid, and all interest which may

10 become due under the personal obligations therein contained, or on the cash account or credit, for, or in respect of which, such security has been or shall be granted.

20. Inhibition, used after an heritable security for a cash or credit account has been duly recorded in the register of sasines, shall not apply to or affect any advances made under such cash or credit accounts subsequent to such inhibition: Provided, that this enactment shall not affect any question at present in dependence in any court.

Inhibition not to affect advances on subsisting cash credit accounts.

21. A decree of division of commonry, when recorded by any of the joint proprietors or their heirs, along with a warrant of registration in the register of sasines, shall have the effect of a recorded conveyance, by all the joint proprietors, in favour of the party named in the warrant of registration.

Registration of a decree of division.

22. A trust deed, containing a conveyance of lands to trustees, or any notarial instrument following thereon in favour of such trustees, when recorded in the register of sasines, shall be deemed a valid and complete title, not only to the trustees named therein, but also to any trustee or trustees, factor or factors, curator or curators, subsequently assumed, or in any valid manner appointed to execute the trust.

Trust deed when recorded to be a valid title.

23. The distinction between fees of heritage and fees of conquest, is hereby abolished, with respect to all successions opening after the passing of this Act, and fees of conquest shall descend in the same manner as fees of heritage.

Fees of conquest abolished.

24. No deed, instrument, or writing, whether made before or after the passing of this Act, shall be liable to challenge or reduction on the head of death-bed; and every deed, instrument, or writing, made on death-bed, shall have the same validity and effect as if made in liege poustie.

Reduction ex capite lecti abolished.

25. Where an estate in land has been sold for a fair price, and in pursuance of such sale an ex facie valid conveyance has been granted and duly recorded, and the estate has been possessed

Prescription upon title acquired for fair price.

A.D. 1870. in virtue of such conveyance, by the purchaser or any persons deriving right from him, for a period of seven years after the date of recording the same in the register of sasines, without lawful challenge, the title of such purchaser, or person deriving right from him, shall not thereafter be open to challenge on the ground of any defect in the title of the seller. 5

Period of prescription shortened. **26.** The period of prescription specified in the Acts one thousand four hundred and sixty-nine, chapter twenty-eight, one thousand four hundred and seventy four, chapter fifty-four, one thousand five hundred and ninety-four, chapter two hundred and eighteen, and one thousand six hundred and seventeen, chapter twelve, is hereby reduced from forty to fourteen years, and any ex facie valid conveyance or service, or instrument of clare constat, duly recorded, or an extract thereof, shall be a good foundation for a prescriptive title: Provided always, that this enactment shall not be available or pleadable in any action commenced prior to first January one thousand eight hundred and seventy-two. 10 15

Inhibitions to prescribe in five years; **27.** All inhibitions, subsisting at the passing of this Act, shall prescribe not later than on the lapse of five years after the said date, and all inhibitions, which shall be recorded after the passing of this Act, shall prescribe on the lapse of five years from the date on which such inhibition shall take effect: Provided always, that the raisers of any such inhibitions, or their heirs or assignees, may again record the same, or a memorandum signed by the party or his agent in terms of Schedule (G.) hereto annexed, or in a similar form before the expiration of the said respective periods of five years, and on such inhibition or such memorandum being so recorded such inhibitions shall continue in force for an additional period of five years from the date of such subsequent recording, and such inhibition or memorandum may be again recorded, with the like effect, before the expiration of every subsequent period of five years; provided nevertheless, that in the case of inhibitions subsisting at the passing of this Act, no such inhibition shall in any case be effectual for a longer period than it would have remained in force if this Act had not been passed. 20 25 30 35

Deed may be-written or printed. **28.** Any deed or instrument may be either written or printed, or partly written and partly printed, and numbers may be stated either in words or figures; and it shall be no objection to the probative character of any deed or instrument that the writer or printer thereof is not named or designed, or that the number of pages of which it consists is not specified. 40

A.D. 1870.

29. No deed, instrument, or writing shall be deemed invalid or denied effect according to its legal import because of any defect or informality of execution, but the burden of proving the genuineness of any deed, instrument, or writing, which is not so executed
5 as to be probative, shall lie upon the party using or upholding the same.

Deed not to be invalid because improbative.

30. No deed, instrument, or writing shall be denied effect, according to what the Court judging thereof, shall be satisfied is the true intendment and meaning of the same, because of the
10 omission or inaccurate use of any voces signatæ or words of style.

Deed not to be invalid for omission of words of style.

31. Every deed, instrument, or writing, including holograph writings, shall, in the absence of evidence to the contrary, be deemed to have been executed or made of the date it bears.

Presumption as to date of deed.

32. Notwithstanding the provisions of "The Crown Private
15 Estates Act, 1862," private estates in land of Her Majesty, her heirs or successors, situate or arising in Scotland, which, prior to the date of this Act, were held either under the Crown or under a subject-superior, may hereafter be held by titles conceived in the name of Her Majesty, or of her heirs or successors, and such private
20 estates shall not thereby fall or revert to the Crown, *jure coronæ*, but shall remain, beneficially, separate private estates of Her Majesty, her heirs and successors; and the last-recited Act is hereby repealed, in so far as is necessary to give effect to the above provision.

Title to Private Estates of Her Majesty in Scotland.

33. All statutes, laws, and usages inconsistent with any of the
25 provisions of this Act shall be and are hereby repealed.

Acts and usages inconsistent herewith repealed.

SCHEDULE (A.)

At _____ there was by or on behalf of *A.* [*name and designation*] presented to me, notary public subscribing, a disposition granted by *B.* in favour of the now deceased *C.*, dated _____ and recorded in the Register of Sasines [*state the register*], on the _____ day of _____ [*or as the case may be*], whereby the said *C.* was infeft in [*describe or refer to the lands, and insert or refer to any burdens or conditions, all in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*]. There were also laid before me certain writs and documents and other evidence, whereby it clearly appears that the said *A.* is the eldest son of the said *C.* [*or as the case may be*], and as such his nearest and lawful heir [*state character*] in the lands and others above specified. Whereupon this instrument is taken in terms of "The Feudal and Burgage Tenure Abolition (Scotland) Act, 1870." In witness whereof [*testing clause in usual form*].

20

VICTORIA, &c.—Whereas it is humbly shown to us by our lovite *A.B.* against *C.D.*, defender, in terms of the condescence and note of pleas in law hereunto annexed: Therefore it ought and should be found and declared, by decree of the Lords of our Council and Session, that the feu-duty [*or as the case may be*] payable 25 for the subjects after described, and amounting to the sum of £ yearly, is in arrear for two full years, viz., for all and whole [*describe shortly, or refer to the subjects in terms of the Titles to Land Consolidation (Scotland) Act, 1868*], and that the defender has lost and forfeited all right to the said subjects, and 30

that the same now belong in absolute property to the pursuer; and the defender should be decerned and ordained, by decree foresaid, forthwith to flit and remove himself and his dependants from the said subjects. A.D. 1870.

5

CONDESCENDENCE.

[Set forth shortly the deed or deeds under which the feu-duty is payable, the amount of the feu-duty, and the period for which it is in arrear, all according to the form now in use.]

SCHEDULE (C.)

10

MEMORANDUM OF APPORTIONMENT OF FEU-DUTY.

(1.) *By the Parties.*

It is agreed between *A.* [*name and designation of person in right of feu-duty*] and *B.*, *C.*, and *D.* [*names and designations of persons among whom the feu-duty is to be allocated*] that the sum of

15 £

heretofore payable by the said *B.* for the lands of [*describe shortly, or refer to the lands, in terms of the Titles to Land Consolidation (Scotland) Act, 1868*] shall hereafter be payable as follows, [*here specify the allocation of feu-duties and subjects, and the addition to the feu-duty, if any*]. In witness whereof.

20

(2.) *By the Sheriff.*

It is settled in the matter of the allocation of the feu-duty between [*here insert names and allocation, as in No. 1, to the end, omitting the testing clause*].

(Signed) *A.B.* Sheriff [*or Sheriff-Substitute*] of [*state county*].

25

SCHEDULE (D.)

MEMORANDUM CONSTITUTING AN ADDITIONAL FEU-DUTY.

Take notice, that the lands of [*describe shortly or refer to the lands in terms of "The Titles to Land Consolidation (Scotland) Act, 1868"*] belonging to [*name and designation of proprietor*] are

30

liable [*if there be a feu-duty already payable, say, "in addition to "the existing feu-duty of £ "in a feu-duty [or, as the case may be, in an additional feu-duty of £ "payable to [name and designation] and his successors, at [state terms, and whether with interest]*], which additional feu-duty is constituted in respect of

14 *Feudal and Burgage Tenures Abolition (Scotland).* [33 VICT.]

A.D. 1870. [state here whether the additional feu-duty is in respect of the division of a cumulo feu-duty, or a commutation of kain, or as the case may be]. In witness whereof.

SCHEDULE (E.)

Notarial Instrument applicable to Burgage Titles. 5

At _____, there was by [or on behalf of] *A.* [name and designation] presented to me, notary public subscribing, a disposition granted by *B.* [name and designation] in favour of *C.* [name and designation], dated and recorded in the Register of Sasines for [state register] on the _____ day of _____ 10 whereby the said *B.* disposed to the said *C.* [or as the case may be; describe the lands, and set forth shortly the terms of the subsequent deeds by which the lands were transmitted to the party in whose favour the instrument is expedite]. Whereupon this instrument is taken in terms of "The Feudal and Burgage Tenure Abolition 15" (Scotland) Act, 1870." In witness whereof [testing clause in usual form].

SCHEDULE (F.)

FORM OF DISPOSITIONS.

No. 1. 20

Disposition to a Purchaser.

I, *A.B.*, in consideration of £ _____ dispone to *C.D.*, and his heirs [or as the case may be], the lands of [describe the subjects, or refer to them, and insert or refer to any burdens or conditions, all in terms of "The Titles to Land Consolidation (Scotland) 25 Act, 1868," or describe them as in Nos. 4, 5, 6, or 7 of this Schedule, as the case may be], with entry [state term]; and I assign the writs, and have delivered the same according to inventory [or as the case may be]; and I assign the rents; and I bind myself "to relieve of burdens; and I grant warrandice; and I consent to 30 registration for preservation. In witness whereof [testing clause in usual form].

No. 2.

A.D. 1870.

Disposition Reserving a Ground Rent.

I, *A.B.*, in consideration of the annual ground rent and other conditions and obligations after specified [*or as the case may be*], dispone to *C.D.*, and his heirs [*or as the case may be*], the lands of [*describe the subjects or refer to them and insert or refer to any burdens or conditions all in terms of "The Titles to Land Consolidation (Scotland) Act, 1868"*]; but reserving to me and my heirs and assignees [*or as the case may be*] an annual ground rent of £ payable by the said *C.D.* and his foresaids at the terms of [*state terms and conditions of payment, and any further reservations in favour of the disposer, or other person, and any conditions and servitudes, as the case may be. If it be intended to create any real burdens, use the words with and under the real*]
burden, as applicable to the burdens to be created]; with entry at the term of [*state term*]; and I assign the writs, and have delivered the same according to inventory [*or as the case may be*]; and I assign the rents; and I bind myself to relieve of burdens; and I consent to registration for preservation. In witness whereof
[*testing clause in usual form*].

No. 3.

Contract of Ground Rent.

It is contracted between *A.B.* on the first part, and *C.D.* on the second part, as follows:—The said *A.B.*, in consideration of the ground annual and conditions and obligations after specified [*or as the case may be*], disposes to the said *C.D.*, and his heirs [*or as the case may be*], the lands of [*describe the subjects or refer to them, and insert or refer to any burdens or conditions, all in terms of "The Titles to Land Consolidation (Scotland) Act, 1868"*]; but reserving to the said *A.B.* and his heirs and assignees [*or as the case may be*] an annual ground rent of £ payable by the said *C.D.* and his foresaids, at the terms of [*state terms and conditions of payment, and any further reservations in favour of the disposer or other person, and any conditions and servitudes, as the case may be. If it be intended to create any real burdens, use the words with and under the real burden, as applicable to the burdens so to be created*]; with entry at [*state term and year*]; and the said *A.B.* assigns the writs, and has delivered the same according to inventory [*or as the case may be*]; and he assigns the rents; and he binds himself to relieve of burdens; and he grants warrandice: And the said *C.D.* binds himself to pay to the said

A.D. 1870. *A.B.* and his foresaids the said sum of £ [state if with interest], at the terms above specified, with a fifth part more of each term's payment of liquidate penalty in case of failure; and the said *C.D.* re-dispones in security; and he grants power of sale; and both parties consent to registration for preservation and execution. In 5 witness whereof [*testing clause in usual form*].

No. 4.

[*Where the estate consists of former superiorities or reserved rights, describe it thus*] All and whole the estate in land consisting of the minerals, feu-duties, casualties, ground annuals, real burdens, 10 and other rights and interests [*as the case may be*], reserved or exigible by, or payable to me [*or as the case may be*], from the lands of [*describe or refer to the lands in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*], in virtue of feu-rights or conveyances [*or as the case may be*] granted by me or my prede- 15 cessors prior to the passing of "The Abolition of Tenure (Scotland) Act, 1870."

No. 5.

[*Where the estate consists of ground rents or other rights or interests constituted or reserved, in conveyances made subsequent to 20 the passing of this Act, describe it thus*] All and whole the estate in land, consisting of the minerals, ground rents, real burdens, and other rights and interests [*or as the case may be*], reserved or exigible by or payable to me [*or as the case may be*] from the lands of [*describe 25 or refer to the lands in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*], in virtue of conveyances [*or as the case may be*], granted by me or my predecessors subsequent to the passing of "The Abolition of Tenure (Scotland) Act, 1870."

No. 6.

[*Where the estate consists partly of the property of land, and 30 partly of former superiorities, describe it thus*] All and whole the lands of [*describe or refer to the property lands in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*], and also all and whole the estate in land consisting of the minerals [*and so 35 on as in No. 4*].

No. 7.

[*Where the estate consists partly of the property of land, and partly of ground rents or other rights or interests constituted sub-*

sequent to the passing of this Act, describe it as follows] All and whole the property lands of [*describe or refer to the property lands in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*] and also all and whole the estate in land, consisting of the minerals
5 [*and so on as in No. 5*].

SCHEDULE (G.)

MEMORANDUM RECORDING AN INHIBITION OF NEW.

Renew inhibition at the instance of *A.* [*here insert designation of inhibitor*] against *B.* [*here insert designation of party inhibited*],
 10 recorded in this register [*or as the case may be*], on the
 day of _____ on behalf of the said *A.* [*or if the party in
 right of the inhibition be an heir, assignee, &c., say*] on behalf of *C.*
 [*insert designation, and state shortly the title by which he has right
 to the inhibition*].

15 *G.M.*, W.S., Edinburgh,
Agent,
or Party.

**Feudal and Burgage
Tenures Abolition
(Scotland).**

A

B I L L

[AS AMENDED IN COMMITTEE]

To abolish Feudal and Burgage Tenure,
and to amend the Law relating to
Land Rights and Deeds in Scotland.

(Prepared and brought in by
The Lord Advocate and Mr. Secretary Bruce.)

*Ordered, by The House of Commons, to be Printed,
19 May 1870.*

[Bill 130.]

Under 3 oz.

Foreign Enlistment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preliminary.

1. Short title of Act.
2. Application of Act.
3. Commencement of Act.

Illegal Enlistment.

4. Penalty on enlistment in service of foreign state.
5. Penalty on leaving Her Majesty's dominions with intent to serve in a foreign state.
6. Penalty on embarking persons under false representations as to service.
7. Penalty on taking illegally enlisted persons on board ship.

Illegal Shipbuilding and Illegal Expeditions.

8. Penalty on illegal shipbuilding and illegal expeditions.
9. Presumption as to evidence in case of illegal ship.
10. Penalty on aiding the warlike equipment of foreign ships.
11. Illegal ships not received in British ports.
12. Penalty on fitting out naval or military expeditions without license.
13. Punishment of accessories.

Illegal Prize.

14. Illegal prize brought into British ports restored.

General Provision.

15. License by Her Majesty, how granted.

Legal Procedure.

16. Jurisdiction in respect of offences by persons against Act.
17. Venue in respect of offences by persons.
18. Power to remove offenders for trial.

[Bill 22S.]

A

Clause.

19. Jurisdiction in respect of forfeiture of ships for offences against Act.
20. Regulations as to proceedings against the offender and against the ship.
21. Officers authorised to seize offending ships.
22. Powers of officers authorised to seize ships.
23. Special power of Secretary of State or chief executive authority to detain ship.
24. Special power of local authority to detain ship.
25. Power of Secretary of State or executive authority to grant search warrant.
26. Exercise of powers of Secretary of State or chief executive authority.
27. Appeal from Court of Admiralty.
28. Indemnity to officers.
29. Indemnity to Secretary of State or chief executive authority.
30. Interpretation of terms.

Repeal of Acts and Saving Clauses.

31. Repeal of Foreign Enlistment Act.
 32. Saving as to commissioned foreign ships.
 33. Penalties not to extend to persons entering into military service in Asia.
-

A
B I L L

TO

Prevent the enlisting or engagement of Her Majesty's sub- A.D. 1870.
jects to serve in foreign service, and the building, fitting
out, or equipping in Her Majesty's dominions, vessels for
warlike purposes, without Her Majesty's license.

WHEREAS it is expedient to make better provision for the
preservation of neutrality during the existence of hostilities
between foreign states with which Her Majesty is at peace :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as " The Neutrality Short title
10 Act, 1870." of Act.
2. This Act shall extend to all the dominions of Her Majesty, Application
including the adjacent territorial waters. of Act.
3. This Act shall come into operation in the United Kingdom Commence-
immediately on the *passing* thereof, and shall be proclaimed in every ment of Act.
- 15 British possession by the governor thereof as soon as may be after
he receives notice of this Act, and shall come into operation in that
British possession on the day of such proclamation, and the time
at which this Act comes into operation in any place is, as respects
such place, in this Act referred to as the commencement of this
20 Act.

Illegal Enlistment.

4. If any person, without the license of Her Majesty, being a Penalty on
British subject, within or without Her Majesty's dominions, or not enlistment in
service of

[Bill 228.]

A 2

A.D. 1870. being a British subject, within Her Majesty's dominions, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any state at peace with Her Majesty, and in this Act referred to as a friendly state, or induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid,—

foreign
state.

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on
leaving Her
Majesty's
dominions
with intent
to serve
a foreign
state.

5. If any person, without the license of Her Majesty, quits or goes on board any ship with a view of quitting Her Majesty's dominions, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, being in Her Majesty's dominions, induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's dominions with the like intent,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine or imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour:

But this section shall not apply to the subject of a foreign state quitting Her Majesty's dominions with intent to accept a commission or engagement in the military or naval service of the state of which he is a subject.

Penalty on
embarking
persons
under false
representa-
tions as to
service.

6. If any person induces any other person to quit Her Majesty's dominions or to embark on any ship within Her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine or imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Where any person quits Her Majesty's dominions or is embarked within Her Majesty's dominions under any such misrepresentation

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A.D. 1870.

or false representation as aforesaid, and such person when on the high seas, or on reaching any place either within or without Her Majesty's dominions, accepts or agrees to accept any engagement in the military or naval service of any foreign state at war with any friendly state, he shall for the purposes of this section be deemed to have quitted such dominions, or to have been embarked with the intent that he might accept a commission or engagement in the military or naval service of such foreign state.

7. If the master or owner of any ship, without the license of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within Her Majesty's dominions any of the following persons, in this Act referred to as illegally enlisted persons; that is to say, Penalty on taking illegally enlisted persons on board ship.

(1.) Any person who being a British subject within or without the dominions of Her Majesty, or not being a British subject within the dominions of Her Majesty, has, without the license of Her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state :

(2.) Any person who, without the license of Her Majesty, is about to quit Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state of which he is not a subject at war with a friendly state :

(3.) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state :

Such master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue ; that is to say,

(1.) The offender shall be punishable by fine or imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour : and

(2.) Such ship shall be detained until all penalties due from the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace, or other magistrate or magistrates having the authority of two justices of the peace : and

A.D. 1870.

- (3.) All illegally enlisted persons shall be taken on shore, and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions.

Penalty on
illegal ship-
building and
illegal ex-
peditions.

8. If any person within Her Majesty's dominions, without the license of Her Majesty, does any of the following acts; that is to say,—

- (1.) Builds or agrees to build, or causes to be built any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or 10
- (2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or 15
- (3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or 20
- (4.) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : 25

Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue :

- (1.) The offender shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour. 30
- (2.) The ship in respect of which any such offence is committed, with her equipment, shall be forfeited to Her Majesty :

Presumption
as to evi-
dence in
case of
illegal ship.

9. Where any ship is built by order of or on behalf of any foreign state at war with a friendly state, or is delivered to or to the order of such foreign state, or any agent of such state, or is paid for by such foreign state or their agent, and is employed in the military or naval service of such state, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of 35 40

proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state. A.D. 1870.

10. If any person within the dominions of Her Majesty, and without the license of Her Majesty,—

Penalty on aiding the warlike equipment of foreign ships.

5 By adding to the number of the guns, or by changing those on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions
10 of Her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which
15 the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

11. No ship in the military or naval service of any foreign state at war with a friendly state, which has been built, commissioned, equipped, or despatched in contravention of this Act, shall be
20 received into any port within Her Majesty's dominions.

Illegal ships not received in British ports.

12. If any person within the limits of Her Majesty's dominions, and without the license of Her Majesty,—

Penalty on fitting out naval or military expeditions without license.

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, the following consequences shall ensue :

(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or
30 either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

(2.) All ships, with their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be
35 forfeited to Her Majesty.

13. Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

Punishment of accessories.

Illegal Prize.

40 14. If, during the continuance of any war in which Her Majesty may be neutral, any ship, goods, or merchandise captured as prize
[228.] A 4

Illegal prize brought into British ports restored.

A.D. 1870.

of war within the territorial jurisdiction of Her Majesty, in violation of the neutrality of this realm, or captured by any ship which may have been built, equipped, commissioned, or despatched contrary to the provisions of this Act, are brought within the limits of Her Majesty's dominions by the captor, or any agent of 5 the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorised in that behalf by the Government of the state to which such owner belongs, to make 10 application to the Court of Admiralty for seizure, and detention of such prize, and the court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in 15 case of any order made in the exercise of the ordinary jurisdiction of such court; and in the meantime and until a final order has been made on such application the court shall have power to make all such provisional and other orders as to the care or custody 20 of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such court in the exercise of its ordinary jurisdiction.

General Provision.

25

License by
Her Majesty
how granted.

15. For the purposes of this Act, a license by Her Majesty shall be under the sign manual of Her Majesty, or be signified by Order in Council or by proclamation of Her Majesty.

Legal Procedure.

Jurisdiction
in respect of
offences
by persons
against Act.

16. Any offence against this Act shall, for all purposes of and 30 incidental to the trial and punishment of any person guilty of any such offence, be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any place within Her Majesty's dominions in which the person who committed such offence may for the time being be. 35

Venue in
respect of
offences by
persons.
24 & 25 Vict.
c. 97.

17. Any offence against this Act may be described in any indictment or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or

it may be averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

A.D. 1870.

- 5 18. The following authorities, that is to say, in the United Kingdom any judge of a superior court, in any other place within the jurisdiction of any British court of justice, such court, or, if there are more courts than one, the court having the highest criminal jurisdiction in that place, may, by warrant or instrument
10 in the nature of a warrant in this section included in the term "warrant," direct that any offender charged with an offence against this Act shall be removed to some other place in Her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be
15 conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed, in the same manner as if his offence had been committed at such place.

Power to remove offenders for trial.

- Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons, and the
20 person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant, and to deliver him, when arrived at such place or places, into the custody of any authority designated by such warrant.

- 25 Every prisoner shall, during the time of his removal under any such warrant as aforesaid, be deemed to be in the legal custody of the person or persons empowered to remove him.

19. All proceedings for the condemnation and forfeiture of a ship in pursuance of this Act shall require the sanction of the secretary
30 or such chief executive authority as is in this Act mentioned, and shall be had in the Court of Admiralty, and not in any other court; and the Court of Admiralty shall, in addition to any power given to the court by this Act, have in respect of any ship or other matter brought before it in pursuance of this Act all powers which it has
35 in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Jurisdiction in respect of forfeiture of ships for offences against Act.

20. Where any offence against this Act has been committed by any person by reason whereof a ship has become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be
40 thought fit, against the offender in any court having jurisdiction of the offence, and against the ship for the forfeiture in the Court of

Regulations as to proceedings against the offender and against the ship.

A.D. 1870. Admiralty; but it shall not be necessary to take proceedings against the offender because proceedings are instituted against the ship for the forfeiture, or to take proceedings against the ship for the forfeiture because proceedings are taken against the offender.

Officers
authorised
to seize
offending
ships.

21. The following officers, that is to say, 5
- (1.) Any officer of customs or government officer in the United Kingdom, subject to any special or general instructions from the Commissioners of Customs or from the Board of Trade;
 - (2.) Any officer of customs or public officer in any British 10 possession, subject to any special or general instructions from the governor of such possession;
 - (3.) Any commissioned officer on full pay in the military service of the Crown, subject to any special or general instructions from the commanding officer; 15
 - (4.) Any commissioned officer on full pay in the naval service of the Crown, subject to any special or general instructions from the Admiralty,

may seize or detain any ship liable to be seized or detained in pursuance of this Act, and such officers are in this Act referred to as the "local authority;" but nothing in this Act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such Court may have power under its ordinary jurisdiction to direct a ship to be seized or detained. 20 25

Powers of
officers
authorised
to seize
ships.

22. Any officer authorised to seize or detain any ship in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy or marines, or any excise officers or officers of customs, or any 30 officers having authority by law to make seizures of ships, and may put on board any ship so seized or detained, any one or more of such officers to take charge of the same, and to enforce the provisions of this Act, and any officer seizing or detaining any ship under this Act may use force, if necessary, for the purpose 35 of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs 40 and successors, as against all persons so killed, maimed, or hurt.

23. If the Secretary of State or the chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about
5 to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, such Secretary of State or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority
10 shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner herein-after mentioned.

A.D. 1870.
Special
power of
Secretary
of State or
chief execu-
tive autho-
rity to de-
tain ship.

The owner of the ship so detained, or his agent, may apply to the Court of Admiralty for its release, and the court shall as soon
15 as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, the ship shall be
20 released and restored.

If the applicant fail to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, then the ship shall be detained till released by order of the Secretary of
25 State or chief executive authority.

The court may in cases where no proceedings are pending for its condemnation release any ship detained under this section on the owner giving security to the satisfaction of the court that the ship shall not be employed contrary to this Act, notwithstanding
30 that the applicant may have failed to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or intended to be despatched contrary to this Act. The Secretary of State or the chief executive authority may likewise release any ship detained under this section on the owner giving
35 security to the satisfaction of such Secretary of State or chief executive authority that the ship shall not be employed contrary to this Act, or may release the ship without such security if the Secretary of State or chief executive authority think fit so to release the same.

40 If the court be of opinion that there was not reasonable and probable cause for the detention, and if no such cause appear in the course of the proceedings, the court shall have power to

A.D. 1870. declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention, the amount thereof to be assessed by the court, and any amount so assessed shall be payable by the Commissioners of the Treasury out of any moneys legally applicable for that purpose. The Court of Admiralty shall also have power to make a like order for the indemnity of the owner, on the application of such owner to the court, in a summary way, in cases where the ship is released by the order of the Secretary of State or the chief executive authority, before any application is made by the owner or his agent to the court for such release. 10

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section where such ship is liable to forfeiture, subject to this provision that if such ship is restored in pursuance of this section all proceedings for such condemnation shall be stayed; and where the court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges, and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship. 15 20

Nothing in this section contained shall apply to any foreign non-commissioned ship despatched from this country after having come within it under stress of weather or in the course of a peaceful voyage, and upon which ship no fitting out or equipping of a war-like character has taken place in this country. 25

Special
power of
local autho-
rity to de-
tain ship.

24. Where it is represented to any local authority, as defined by this Act, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Secretary of State or chief executive authority. 30 35

Upon the receipt of such communication the Secretary of State or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped or intended to be despatched in contravention of this Act, he shall issue his warrant 40

stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the Secretary of State without
5 any communication from the local authority.

A.D. 1870.

25. The Secretary of State or the chief executive authority may, by warrant, empower any person to enter any dockyard or other place within Her Majesty's dominions and inquire as to the destination of any ship which may appear to him to be intended
10 to be employed in the naval or military service of any foreign state at war with a friendly state, and to search such ship.

Power of Secretary of State or executive authority to grant search warrant.

26. Any powers or jurisdiction by this Act given to the Secretary of State may be exercised by him throughout the dominions of Her Majesty, and such powers and jurisdiction may also be exercised
15 by any of the following officers, in this Act referred to as the chief executive authority, within their respective jurisdictions; that is to say,

Exercise of powers of Secretary of State or chief executive authority.

- (1.) In Ireland by the Lord Lieutenant or other the chief governor or governors of Ireland for the time being, or the
20 chief secretary :
- (2.) In Jersey by the Lieutenant Governor :
- (3.) In Guernsey, Alderney, and Sark, and the dependent islands by the Lieutenant Governor :
- (4.) In the Isle of Man by the Lieutenant Governor :
- 25 (5.) In any British possession by the Governor.

A copy of any warrant issued by a Secretary of State or by any officer authorised in pursuance of this Act to issue such warrant in Ireland, the Channel Islands, or the Isle of Man shall be laid before Parliament.

30 **27.** An appeal may be had from any decision of a Court of Admiralty under this Act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the court as a Court of Admiralty.

Appeal from Court of Admiralty.

28. Subject to the provisions of this Act providing for the award
35 of damages in certain cases in respect of the seizure or detention of a ship by the Court of Admiralty no damages shall be payable, and no officer shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Act.

Indemnity to officers.

40 **29.** The Secretary of State shall not, nor shall the chief executive authority be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance

Indemnity to Secretary of State or chief executive authority.

A.D. 1870. of this Act, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

Interpretation Clause.

Interpreta- tion of terms.	30. In this Act, if not inconsistent with the context, the fol- 5 lowing terms have the meanings herein-after respectively assigned to them; that is to say,
"Foreign state:"	"Foreign state" includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in 10 or over any foreign country, colony, province, or part of any province or people:
"Military service:"	"Military service" shall include military telegraphy and any other employment whatever, whether permanent or temporary, with or in connexion with an army: 15
"Naval service:"	"Naval service" shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship used for or in aid of any military or naval purpose, and any employment whatever, whether permanent or temporary, on board a ship of war or any 20 ship used for or in aid of any military or naval purpose; and as respects a ship, include any user of a ship as a transport or store ship or anywise for or in aid of any military or naval purpose:
"United Kingdom:"	"United Kingdom" includes the Isle of Man, the Channel 25 Islands, and other adjacent islands:
"British possession:"	"British possession" means any territory, colony, or place situate within Her Majesty's dominions, and not forming part of the United Kingdom, as defined by this Act:
"The Secre- tary of State:"	"The Secretary of State" shall mean any one of Her Majesty's 30 Principal Secretaries of State:
"Governor:"	"The Governor" shall as respects India mean the Governor General or the governor of any presidency, and where a British possession consists of several constituent colonies, mean the Governor General of the whole possession or the Governor of 35 any of the constituent colonies, and as respects any other British possession it shall mean the officer for the time being admi- nistering the government of such possession; also any person acting for or in the capacity of a governor shall be included under the term "Governor": 40
"Court of Admiralty:"	"Court of Admiralty" shall mean the High Court of Admiralty of England or any Vice-Admiralty Court within Her Majesty's dominions:

- “Ship” shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel, or other craft or battery, made to move either on the surface of or under water, or sometimes on the surface of and sometimes under water : A.D. 1870. “Ship :”
- 5 “Building” in relation to a ship shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly : “Building :”
- 10 “Equipping” in relation to a ship shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipping shall be construed accordingly : “Equip-
ping :”
- 15 “Ship and equipment” shall include a ship and everything in or belonging to a ship. “Ship and equipment.”

Repeal of Acts and Saving Clauses.

31. From and after the commencement of this Act, an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, chapter sixty-nine, intituled “An Act to prevent the
20 “enlisting or engagement of His Majesty’s subjects to serve in
“foreign service, and the fitting out or equipping, in His Majesty’s
“dominions, vessels for warlike purposes, without His Majesty’s
“license,” shall be repealed: Provided that such repeal shall not
25 affect any penalty, forfeiture, or other punishment incurred, or to be incurred in respect of any offence committed before this Act comes into operation, nor the institution of any investigation or legal proceeding, or any other remedy for enforcing any such penalty, forfeiture, or punishment as aforesaid.
- 30 32. Nothing in this Act contained shall subject to forfeiture any commissioned ship of any foreign state, or give to any British court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Act had not passed. Repeal of Foreign Enlistment Act. 59 G. 3. c. 69. Saving as to commissioned foreignships.
- 35 33. Nothing in this Act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince, state, or potentate in Asia, with such leave or license as is for the time being required by law in the case of subjects of Her Majesty entering into the military
40 service of princes, states, or potentates in Asia. Penalties not to extend to persons entering into military service in Asia. 59 G. 3. c. 69. s. 12.

Foreign Enlistment.

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B I L L

To prevent the enlisting or engagement of Her Majesty's subjects to serve in foreign service, and the building, fitting out, or equipping, in Her Majesty's dominions, vessels for war-like purposes, without Her Majesty's license.

*(Prepared and brought in by
Mr. Attorney General, Mr. Solicitor General,
and Mr. Secretary Bruce.)*

*Ordered, by The House of Commons, to be Printed,
19 July 1870.*

[Bill 228.]

Under 2 oz.

Foreign Enlistment Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

Preliminary.

1. Short title of Act.
2. Application of Act.
3. Commencement of Act.

Illegal Enlistment.

4. Penalty on enlistment in service of foreign state.
5. Penalty on leaving Her Majesty's dominions with intent to serve in a foreign state.
6. Penalty on embarking persons under false representations as to service.
7. Penalty on taking illegally enlisted persons on board ship.

Illegal Shipbuilding and Illegal Expeditions.

8. Penalty on illegal shipbuilding and illegal expeditions.
9. Presumption as to evidence in case of illegal ship.
10. Penalty on aiding the warlike equipment of foreign ships.
11. Illegal ships not received in British ports.
12. Penalty on fitting out naval or military expeditions without license.
13. Punishment of accessories.

Illegal Prize.

14. Illegal prize brought into British ports restored.

General Provision.

15. License by Her Majesty, how granted.

Legal Procedure.

16. Jurisdiction in respect of offences by persons against Act.
17. Venue in respect of offences by persons.
18. Power to remove offenders for trial.

[Bill 258.]

A

Clause.

19. Jurisdiction in respect of forfeiture of ships for offences against Act.
20. Regulations as to proceedings against the offender and against the ship.
21. Officers authorised to seize offending ships.
22. Powers of officers authorised to seize ships.
23. Special power of Secretary of State or chief executive authority to detain ship.
24. Special power of local authority to detain ship.
25. Power of Secretary of State or executive authority to grant search warrant.
26. Exercise of powers of Secretary of State or chief executive authority.
27. Appeal from Court of Admiralty.
28. Indemnity to officers.
29. Indemnity to Secretary of State or chief executive authority.
30. Interpretation of terms.

Repeal of Acts and Saving Clauses.

31. Repeal of Foreign Enlistment Act.
 32. Saving as to commissioned foreign ships.
 33. Penalties not to extend to persons entering into military service in Asia.
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A
B I L L

[AS AMENDED IN COMMITTEE]

TO

Prevent the enlisting or engagement of Her Majesty's sub- A.D. 1870.
jects to serve in foreign service, and the building, fitting
out, or equipping in Her Majesty's dominions, vessels for
warlike purposes, without Her Majesty's license.

WHEREAS it is expedient to make better provision for the
preservation of neutrality during the existence of hostilities
between foreign states with which Her Majesty is at peace :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as "The Neutrality Short title
of Act.
- 10 Act, 1870."
2. This Act shall extend to all the dominions of Her Majesty, Application
of Act.
- including the adjacent territorial waters.
3. This Act shall come into operation in the United Kingdom Commence-
ment of Act.
- immediately on the passing thereof, and shall be proclaimed in every
- 15 British possession by the governor thereof as soon as may be after
he receives notice of this Act, and shall come into operation in that
British possession on the day of such proclamation, and the time
at which this Act comes into operation in any place is, as respects
such place, in this Act referred to as the commencement of this
- 20 Act.

Illegal Enlistment.

4. If any person, without the license of Her Majesty, being Penalty on
enlistment in
service of
foreign
state.
- a British subject, within or without Her Majesty's dominions,
accepts or agrees to accept any commission or engagement in the
- 25 military or naval service of any foreign state at war with any state
at peace with Her Majesty, and in this Act referred to as a friendly

[Bill 258.]

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A.D. 1870. state, or whether a British subject or not within Her Majesty's dominions, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on leaving Her Majesty's dominions with intent to serve a foreign state.

5. If any person, being a British subject, without the license of Her Majesty, quits or goes on board any ship with a view of quitting Her Majesty's dominions, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a British subject or not, within Her Majesty's dominions, induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's dominions with the like intent,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour :

Penalty on embarking persons under false representations as to service.

6. If any person induces any other person to quit Her Majesty's dominions or to embark on any ship within Her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on taking illegally enlisted persons on board ship.

7. If the master or owner of any ship, without the license of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within Her Majesty's dominions any of the following persons, in this Act referred to as illegally enlisted persons; that is to say,

(1.) Any person who being a British subject within or without the dominions of Her Majesty, or not being a British subject within the dominions of Her Majesty, has, without

the license of Her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state: A.D. 1870.

- (2.) Any person who, without the license of Her Majesty, is about to quit Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state of which he is not a subject at war with a friendly state:
- (3.) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state:
- Such master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue; that is to say,
- (1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour: and
- (2.) Such ship shall be detained until all penalties due from the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace, or other magistrate or magistrates having the authority of two justices of the peace: and
- (3.) All illegally enlisted persons shall be taken on shore, and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions.

8. If any person within Her Majesty's dominions, without the license of Her Majesty, does any of the following acts; that is to say,—
- (1.) Builds or agrees to build, or causes to be built any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state: or
- (2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state: or

Penalty on illegal shipbuilding and illegal expeditions.

A.D. 1870.

(3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or

(4.) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state :

Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue :

(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour. 15

(2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty :

Provided, that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following ; (that is to say,) 20

(1.) If forthwith upon a proclamation of neutrality being issued by Her Majesty he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the Secretary of State : 25

(2.) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for ensuring that such ship shall not be despatched, delivered, or removed without the license of Her Majesty until the termination of such war as aforesaid. 30 35

Presumption
as to evi-
dence in
case of
illegal ship.

9. Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state, or is delivered to or to the order of such foreign state, or any person who to the knowledge of the person building is an agent of such state, or is paid for by such foreign state or such agent, and is employed in the military or naval service of such state, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of 40

proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state. A.D. 1870.

10. If any person within the dominions of Her Majesty, and without the license of Her Majesty,—

Penalty on aiding the warlike equipment of foreign ships.

5 By adding to the number of the guns, or by changing those on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions
10 of Her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which
15 the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

11. No ship in the military or naval service of any foreign state at war with a friendly state, which has been built, commissioned, equipped, or despatched in contravention of this Act, shall be
20 received into any port within Her Majesty's dominions.

Illegal ships not received in British ports.

12. If any person within the limits of Her Majesty's dominions, and without the license of Her Majesty,—

Penalty on fitting out naval or military expeditions without license.

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, the following consequences shall ensue :

(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or
30 either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

(2.) All ships, and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be
35 forfeited to Her Majesty.

13. Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

Punishment of accessories.

Illegal Prize.

40 14. If, during the continuance of any war in which Her Majesty may be neutral, any ship, goods, or merchandise captured as prize

Illegal prize brought into British ports restored.

A.D. 1870. of war within the territorial jurisdiction of Her Majesty, in violation of the neutrality of this realm, or captured by any ship which may have been built, equipped, commissioned, or despatched contrary to the provisions of this Act, are brought within the limits of Her Majesty's dominions by the captor, or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorised in that behalf by the Government of the state to which such owner belongs, to make application to the Court of Admiralty for seizure and detention of such prize, and the court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such court; and in the meantime and until a final order has been made on such application the court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such court in the exercise of its ordinary jurisdiction.

General Provision.

25

License by
Her Majesty
how granted.

15. For the purposes of this Act, a license by Her Majesty shall be under the sign manual of Her Majesty, or be signified by Order in Council or by proclamation of Her Majesty.

Legal Procedure.

Jurisdiction
in respect of
offences
by persons
against Act.

16. Any offence against this Act shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence, be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any place within Her Majesty's dominions in which the person who committed such offence may be.

35

Venue in
respect of
offences by
persons.
24 & 25 Vict.
c. 97.

17. Any offence against this Act may be described in any indictment or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or

it may be averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

A.D. 1870.

- 5 **18.** The following authorities, that is to say, in the United Kingdom any judge of a superior court, in any other place within the jurisdiction of any British court of justice, such court, or, if there are more courts than one, the court having the highest criminal jurisdiction in that place, may, by warrant or instrument in the nature of a warrant in this section included in the term "warrant," direct that any offender charged with an offence against this Act shall be removed to some other place in Her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed, in the same manner as if his offence had been committed at such place.

Power to
remove
offenders
for trial.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons, and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant, and to deliver him, when arrived at such place or places, into the custody of any authority designated by such warrant.

- 25 Every prisoner shall, during the time of his removal under any such warrant as aforesaid, be deemed to be in the legal custody of the person or persons empowered to remove him.

- 30 **19.** All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this Act shall require the sanction of the Secretary of State or such chief executive authority as is in this Act mentioned, and shall be had in the Court of Admiralty, and not in any other court; and the Court of Admiralty shall, in addition to any power given to the court by this Act, have in respect of any ship or other matter brought before it in pursuance of this Act all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Jurisdiction
in respect of
forfeiture of
ships for
offences
against Act.

- 40 **20.** Where any offence against this Act has been committed by any person by reason whereof a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender in any court having jurisdiction of the offence, and against the ship, or ship and equipment, or arms

Regula-
tions as to
proceedings
against the
offender and
against the
ship.

A.D. 1870. — and munitions of war, for the forfeiture in the Court of Admiralty ; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

5

Officers
authorised
to seize
offending
ships.

21. The following officers, that is to say,

- (1.) Any officer of customs in the United Kingdom, subject nevertheless to any special or general instructions from the Commissioners of Customs or any officer of the Board of Trade, subject nevertheless to any special or general instructions from the Board of Trade ; 10
- (2.) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the governor of such possession ;
- (3.) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer ; 15
- (4.) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty, 20

may seize or detain any ship liable to be seized or detained in pursuance of this Act, and such officers are in this Act referred to as the "local authority;" but nothing in this Act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such Court may have power under its ordinary jurisdiction to direct a ship to be seized or detained. 25

Powers of
officers
authorised
to seize
ships.

22. Any officer authorised to seize or detain any ship in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy or marines, or any excise officers or officers of customs, or any officers having authority by law to make seizures of ships, and may put on board any ship so seized or detained, any one or more of such officers to take charge of the same, and to enforce the provisions of this Act, and any officer seizing or detaining any ship under this Act may use force, if necessary, for the purpose of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt. 30 35 40

23. If the Secretary of State or the chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about
 5 to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, such Secretary of State or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority
 10 shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner herein-after mentioned.

A.D. 1870.
 Special power of Secretary of State or chief executive authority to detain ship.

The owner of the ship so detained, or his agent, may apply to the Court of Admiralty for its release, and the court shall as soon
 15 as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, the ship shall be
 20 released and restored.

If the applicant fail to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, then the ship shall be detained till released by order of the Secretary of
 25 State or chief executive authority.

The court may in cases where no proceedings are pending for its condemnation release any ship detained under this section on the owner giving security to the satisfaction of the court that the ship shall not be employed contrary to this Act, notwithstanding
 30 that the applicant may have failed to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or intended to be despatched contrary to this Act. The Secretary of State or the chief executive authority may likewise release any ship detained under this section on the owner giving
 35 security to the satisfaction of such Secretary of State or chief executive authority that the ship shall not be employed contrary to this Act, or may release the ship without such security if the Secretary of State or chief executive authority think fit so to release the same.

40 If the court be of opinion that there was not reasonable and probable cause for the detention, and if no such cause appear in the course of the proceedings, the court shall have power to

A.D. 1870. declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention, the amount thereof to be assessed by the court, and any amount so assessed shall be payable by the Commissioners of the Treasury out of any moneys legally applicable for that purpose. The Court of Admiralty shall also have power to make a like order for the indemnity of the owner, on the application of such owner to the court, in a summary way, in cases where the ship is released by the order of the Secretary of State or the chief executive authority, before any application is made by the owner or his agent to the court for such release. 5 10

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section where such ship is liable to forfeiture, subject to this provision that if such ship is restored in pursuance of this section all proceedings for such condemnation shall be stayed; and where the court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges, and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship. 15 20

Nothing in this section contained shall apply to any foreign non-commissioned ship despatched from this country after having come within it under stress of weather or in the course of a peaceful voyage, and upon which ship no fitting out or equipping of a war-like character has taken place in this country. 25

Special
power of
local authority to detain ship.

24. Where it is represented to any local authority, as defined by this Act, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Secretary of State or chief executive authority. 30 35

Upon the receipt of such communication the Secretary of State or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped or intended to be despatched in contravention of this Act, he shall issue his warrant 40

stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the Secretary of State without
5 any communication from the local authority.

A.D. 1870.

25. The Secretary of State or the chief executive authority may, by warrant, empower any person to enter any dockyard or other place within Her Majesty's dominions and inquire as to the destination of any ship which may appear to him to be intended
10 to be employed in the naval or military service of any foreign state at war with a friendly state, and to search such ship.

Power of Secretary of State or executive authority to grant search warrant.

26. Any powers or jurisdiction by this Act given to the Secretary of State may be exercised by him throughout the dominions of Her Majesty, and such powers and jurisdiction may also be exercised
15 by any of the following officers, in this Act referred to as the chief executive authority, within their respective jurisdictions; that is to say,

Exercise of powers of Secretary of State or chief executive authority.

- (1.) In Ireland by the Lord Lieutenant or other the chief governor or governors of Ireland for the time being, or the
20 chief secretary :
- (2.) In Jersey by the Lieutenant Governor :
- (3.) In Guernsey, Alderney, and Sark, and the dependent islands by the Lieutenant Governor :
- (4.) In the Isle of Man by the Lieutenant Governor :
- 25 (5.) In any British possession by the Governor.

A copy of any warrant issued by a Secretary of State or by any officer authorised in pursuance of this Act to issue such warrant in Ireland, the Channel Islands, or the Isle of Man shall be laid before Parliament.

30 27. An appeal may be had from any decision of a Court of Admiralty under this Act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the court as a Court of Admiralty.

Appeal from Court of Admiralty.

35 28. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court of Admiralty no damages shall be payable, and no officer shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Act.

Indemnity to officers.

40 29. The Secretary of State shall not, nor shall the chief executive authority be responsible in any action or other legal

Indemnity to Secretary of State or

A.D. 1870. proceedings whatsoever for any warrant issued by him in pursuance of this Act, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

chief executive authority.

Interpretation Clause.

5

Interpretation of terms.

30. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

“Foreign state:”

“Foreign state” includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people: 10

“Military service:”

“Military service” shall include military telegraphy and any other employment whatever, whether permanent or temporary, with or in connexion with an army: 15

“Naval service:”

“Naval service” shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, or store ship; and as respects a ship, include any user of a ship as a transport or store ship: 20

“United Kingdom:”

“United Kingdom” includes the Isle of Man, the Channel Islands, and other adjacent islands: 25

“British possession:”

“British possession” means any territory, colony, or place situate within Her Majesty’s dominions, and not forming part of the United Kingdom, as defined by this Act:

“The Secretary of State:”

“The Secretary of State” shall mean any one of Her Majesty’s Principal Secretaries of State: 30

“Governor:”

“The Governor” shall as respects India mean the Governor General or the governor of any presidency, and where a British possession consists of several constituent colonies, mean the Governor General of the whole possession or the Governor of any of the constituent colonies, and as respects any other British possession it shall mean the officer for the time being administering the government of such possession; also any person acting for or in the capacity of a governor shall be included under the term “Governor”: 35

“Court of Admiralty:”

“Court of Admiralty” shall mean the High Court of Admiralty of England or Ireland, the Court of Session of Scotland, or any Vice-Admiralty Court within Her Majesty’s dominions: 40

- “Ship” shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel, or other craft or battery, made to move either on the surface of or under water, or sometimes on the surface of and sometimes under water : A.D. 1870.
“Ship :”
- 5 “Building” in relation to a ship shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly : “Building :”
- 10 “Equipping” in relation to a ship shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipping shall be construed accordingly : “Equip-
ping :”
- 15 “Ship and equipment” shall include a ship and everything in or belonging to a ship. “Ship and
equipment.”

Repeal of Acts and Saving Clauses.

31. From and after the commencement of this Act, an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, chapter sixty-nine, intituled “An Act to prevent the
20 “enlisting or engagement of His Majesty’s subjects to serve in
“foreign service, and the fitting out or equipping, in His Majesty’s
“dominions, vessels for warlike purposes, without His Majesty’s
“license,” shall be repealed: Provided that such repeal shall not
25 affect any penalty, forfeiture, or other punishment incurred, or to be incurred in respect of any offence committed before this Act comes into operation, nor the institution of any investigation or legal proceeding, or any other remedy for enforcing any such penalty, forfeiture, or punishment as aforesaid.
- 30 32. Nothing in this Act contained shall subject to forfeiture any commissioned ship of any foreign state, or give to any British court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Act had not passed. Repeal of
Foreign
Enlistment
Act.
59 G.3. c.69.

Saving as
to commis-
sioned
foreignships.
- 35 33. Nothing in this Act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince, state, or potentate in Asia, with such leave or license as is for the time being required by law in the case of subjects of Her Majesty entering into the military
40 service of princes, states, or potentates in Asia. Penalties not
to extend to
persons en-
tering into
military ser-
vice in Asia.
59 G.3. c. 69.
s. 12.

Foreign Enlistment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To prevent the enlisting or engagement of Her Majesty's subjects to serve in foreign service, and the building, fitting out, or equipping, in Her Majesty's dominions, vessels for war-like purposes, without Her Majesty's license.

*(Prepared and brought in by
Mr. Attorney General, Mr. Solicitor General,
and Mr. Secretary Bruce.)*

*Ordered, by The House of Commons, to be Printed,
3 August 1870.*

[Bill 258.]

Under 2 oz.

Forgery Bill.

ARRANGEMENT OF CLAUSES.

Clauses.		Corresponding former Provisions.*
1.	Short title.	
2.	Construction and extent of Act.	
3.	Forgery of stock certificates, &c. - -	1863, s. 14., 1864, s. 2.
4.	Personation of owners of stock - -	1863, s. 15., 1864, s. 2.
5.	Engraving plates, &c. for stock certificates, &c.	1863, s. 16., 1864, s. 2.
6.	Forgery of certificates of transfer of stocks from England to Ireland, &c.	1824, s. 22., 1864, s. 2.
7.	Extension of provisions of Forgery Act to Scotland.	
8.	Alteration as to Scotland - -	1863, s. 2.

* The references are as follows :—

1824.—5 Geo. 4. c. 53.

1863.—26 & 27 Vict. c. 28.

1864.—27 & 28 Vict. c. 47.

A

B I L L

TO

Further amend the Law relating to indictable offences by A.D. 1870.
Forgery.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as The Forgery Act, 1870.

Short title.

2. This Act shall have effect as one Act with the Act described in the schedule to this Act, but shall extend to the United Kingdom.

Construction and extent of Act.

3. If any person forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any stock certificate or coupon, or any document purporting to be a stock certificate or coupon, issued in pursuance of part V. of The National Debt Act, 1870, or of any former Act,—or demands or endeavours to obtain or receive any share or interest of or in any stock as defined in The National Debt Act, 1870, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered certificate or coupon, or document purporting as aforesaid, knowing the same to be forged or altered,—with intent in any of the cases aforesaid to defraud, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than *five years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour, and with or without solitary confinement.

Forgery of stock certificates, &c.
[1863, s. 14.
1864, s. 2.]

4. If any person falsely and deceitfully personates any owner of any share or interest of or in any such stock as aforesaid, or of any such stock certificate or coupon as aforesaid, and thereby obtains or endeavours to obtain any such stock, certificate, or coupon,—or receives or endeavours to receive any money due to any such owner, as if such person were the true and lawful owner,—he shall be guilty of

Personation of owners of stock.
[1863, s. 15.
1864, s. 2.]

[Bill 214.]

A

A.D. 1870. felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than *five years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour, and with or without solitary confinement. 5

Engraving
plates, &c.
for stock
certificates,
&c.

[1863, s. 16.
1864, s. 2.]

5. If any person, without lawful authority or excuse, the proof whereof shall lie on the party accused, engraves or makes on any plate, wood, stone, or other material, any stock certificate or coupon purporting to be such a stock certificate or coupon as aforesaid, or to be such a stock certificate or coupon as aforesaid in blank, or to be a part of such a stock certificate or coupon as aforesaid,—or uses any such plate, wood, stone, or other material for the making or printing of any such stock certificate or coupon, or blank stock certificate or coupon as aforesaid, or any part thereof respectively,—or knowingly has in his custody or possession any such plate, wood, stone, or other material,—or knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper on which any such blank stock certificate or coupon as aforesaid, or part of any such stock certificate or coupon as aforesaid, is made or printed,—he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding *fourteen years* and not less than *five years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour, and with or without solitary confinement. 15 20

Forgery of
certificates
of transfer of
stocks from
England to
Ireland, &c.
[1824, s. 22.
1864, s. 2.]

6. If any person forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate or duplicate certificate required by part VI. of The National Debt Act, 1870, or by any former like enactment, with intent in any of the cases aforesaid to defraud, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than *five years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour, and with or without solitary confinement. 25 30

Extension of
provisions of
Forgery Act
to Scotland.

7. Sections two and four and all provisions relative thereto of the Act described in the schedule to this Act, and all enactments amending those sections and provisions, or any of them, shall extend to Scotland. 35

Alteration
as to
Scotland.
[1863, s. 2.]

8. In the application to Scotland of this Act, and of the enactments by this Act extended to Scotland, the term “high crime and offence” shall be substituted for the term “felony.” 40

THE SCHEDULE.

A.D. 1870.

Act referred to.

24 & 25 Vict. c. 98.—An Act to consolidate and amend the statute law of England and Ireland, relating to indictable offences by forgery.

Forgery.

A

B I L L

To further amend the Law relating to
indictable offences by Forgery.

*(Prepared and brought in by
Mr. Stansfeld and Mr. Chancellor of the
Exchequer.)*

*Ordered, by The House of Commons, to be Printed,
12 July 1870.*

[Bill 214.]

Under 1 oz.

A
B I L L

TO

Amend the Law relating to Friendly Societies.

A.D. 1870.

WHEREAS under the Acts mentioned in the first schedule to this Act, the officer therein mentioned is required to give such certificate as in that schedule mentioned, and it is expedient to amend the law with reference to such officer and such certificate :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Registry of Societies Act, 1870. Short title.

10 2. This Act so far as it relates to any society under the Building Societies Act, the Loan Societies Act, or the Scientific Societies- Extent of Act.
Act, shall not extend to Scotland or Ireland, but save as aforesaid, shall extend to the United Kingdom, the Channel Islands, and the Isle of Man.

15 3. In this Act the terms "certifying officer" and "certificate" Definitions.
mean respectively the certifying officer and the certificate described in the first schedule to this Act, and the Acts mentioned in that schedule are in this Act referred to by the short title therein mentioned.

20 4. The local judge in this Act means—
in England the judge of the county court of the district in Definition of local judge.
which the office or place of business of a society is situate :
in Scotland the sheriff or sheriff substitute of the county in
which such office or place of business is situate : and
25 in Ireland the judge of the civil bill court within whose jurisdiction such office or place of business is situate.

5. After the *passing of this Act* no certificate, as defined by this Abolition of certificate.
Act, shall be given by the certifying officer; but any society who might but for this Act obtain such certificate may register
30 rules and any alteration of the rules of such society, and the register-
[Bill 14.] A

A.D. 1870. ing of such rules and alteration shall have the same effect as the certifying thereof under the Acts mentioned in the first schedule to this Act, and the provisions of those Acts relating to such certifying and to the certificate, and to certified rules and alterations shall be construed accordingly. 5

Regulations
for registry.

6. With respect to the registry of rules and alterations of rules of any society under the Acts mentioned in the first schedule to this Act, the following provisions shall have effect :

- (1.) Copies thereof shall be sent to the registrar under this Act :
- (2.) The registrar, upon being satisfied that the society have 10 complied with the regulations respecting registry made under this Act, shall register such rules :
- (3.) Any copy of such rules, certified by the registrar to be a true copy thereof, shall be received as evidence of such rules, and a certificate by the registrar that any rule or 15 alteration of a rule is registered under this Act shall be conclusive evidence that the same is so registered :
- (4.) The Board of Trade may from time to time make regulations respecting registry under this Act, and respecting the seal (if any) to be used for the purpose of such registry, 20 and the inspection of documents kept by the registrar under this Act, and respecting the fees, if any, to be paid on registry or inspection or otherwise, not exceeding the fees specified in the third schedule to this Act, and generally for carrying this Act into effect : 25
- (5.) The provisions of this section shall apply to any alteration of a rule in the same manner as to any rule.

Transfer of
duties of
certifying
officer to
Board of
Trade.

7. The Board of Trade shall be the registrar under this Act, and all the duties, powers, and authorities imposed on or vested in, and all documents to be sent to or deposited with the certifying 30 officer, shall, save as otherwise expressly provided by this Act, be transferred to and vest in, and be sent to or deposited with the Board of Trade ; and, save as expressly provided by this Act, every Act and document referring to the certifying officer shall be construed as if the Board of Trade were throughout the same substituted 35 for such certifying officer.

The Board of Trade may appoint any person who is one of their secretaries or officers or a registrar or deputy registrar of joint stock companies to perform and exercise, subject to their directions, all or any of the duties, powers, and authorities of the office of registrar 40 under the Acts mentioned in the first schedule to this Act as amended by this Act.

The persons who at the passing of this Act are registrars of Friendly Societies in Scotland and Ireland shall, so long as they hold their offices, perform and exercise, subject to the directions of the Board of Trade, such of the duties, powers, and authorities of the office of registrar under the Acts mentioned in the first schedule to this Act as amended by this Act, as the Board of Trade may assign to them.

A.D. 1870.

Those registrars and the persons appointed by the Board of Trade as mentioned in this section shall, as regards the said duties, powers, and authorities, and subject to the said directions, be deemed for the purposes of this Act to be included in the term registrar.

8. Any local judge as defined by this Act may,—

- (1.) Direct the transfer to a new trustee of any stocks, annuities, or funds belonging to any society, as provided by section thirty-six of the Friendly Societies Act, 1855; and,
- (2.) Make an award, as provided by section one of the Friendly Societies Act, 1858, respecting the division and appropriation of the funds or other property of a society, and respecting the winding up of a society, and make any investigation preliminary to such award;

*Transfer of certain powers of registrar to local judge.

18 & 19 Vict. c. 63. s. 36.
23 & 24 Vict. c. 58. ss. 1-3.

and the above-mentioned sections and all the provisions of the Friendly Societies Acts relating to such transfer and award and investigation shall be construed as if the local judge were throughout the same substituted for the registrar; and the provisions of the Friendly Societies Acts respecting the regulation of proceedings before the local judge shall apply to proceedings under this section.

Any winding up or division or appropriation of the funds or property of a society commenced before the passing of this Act may be continued under this Act.

9. The Acts mentioned in the second schedule to this Act are hereby repealed to the extent in the third column of the said schedule mentioned: Provided that—

Repeal.

- (1.) This repeal shall be without prejudice to anything already done or suffered, or any right already acquired or accrued; and,
- (2.) The rules of every society which have been duly certified before the passing of this Act shall be deemed to have been registered under this Act, and be subject to alteration accordingly.

SCHEDULES.

FIRST SCHEDULE.

Date and title of Act.	Short Title.	Certifying Officer.	Certificate.
6 & 7 Will. 4. c. 32. An Act for the regulation of Benefit Building Societies and the Acts thereby incorporated.	Building Societies Act.	The barrister-at-law, for the time being, appointed to certify the rules of savings banks.	Any document advising whether the rules of the society or any alteration or amendment thereof are calculated to carry into effect the intention of the parties framing the same, or certifying that the same are in conformity to law and to the provisions of the Building Societies Act, or pointing out in what part or parts the said rules are repugnant thereto. 5 10 15
3 & 4 Vict. c. 110. An Act to amend the laws relating to Loan Societies.	Loan Societies Act.	The barrister-at-law, for the time being, appointed to certify the rules of savings banks.	Any document advising whether the rules of the society or any amendment thereof are calculated to carry into effect the intention of the parties framing the same, or certifying that the same are in conformity to law, or pointing out in what part or parts the same are repugnant to law. 20 25
6 & 7 Vict. c. 36. An Act to exempt from county, borough, parochial, and other local rates, land and buildings occupied by Scientific or Literary Societies.	Scientific Societies Act.	The barrister-at-law, for the time being, appointed to certify the rules of Friendly Societies in England.	Any document certifying that a society is entitled to the benefits of the Act, or stating the grounds on which such certificate is withheld, or certifying any rules or alterations of any rules of a society. 30
18 & 19 Vict. c. 63. An Act to consolidate and amend the law relating to Friendly Societies.	Friendly Societies Acts.	The registrar of Friendly Societies in England, Scotland, or Ireland.	35
21 & 22 Vict. c. 101. An Act to amend the Act of the eighteenth and nineteenth years of Her present Majesty, chapter sixty-three, relating to Friendly Societies.			Any document advising whether any rules or any alteration or amendment of rules are calculated to carry into effect the intentions and objects of the persons who desire to form the society, or certifying that the same are in conformity with law and with the provisions of the Friendly Societies Acts, or that the same are not repugnant to law. 40 45 50
23 & 24 Vict. c. 58. An Act to amend the Act of the eighteenth and nineteenth years of Her Majesty relating to Friendly Societies.			
29 & 30 Vict. c. 34. An Act to give further facilities for the establishment of Societies for the Assurance of Cattle and other Animals.			55

	Date and title of Act.	Short Title.	Certificating Officer.	Certificate.
5	25 & 26 Vict. c. 87. An Act to consolidate and amend the laws relating to Industrial and Provident Societies.	Industrial Societies Acts.	The registrar of Friendly Societies in England, Scotland, or Ireland.	Any document advising whether any rules or any alteration or amendment of rules are calculated to carry into effect the intentions and objects of the persons who desire to form the society, or certifying that the same are in conformity with law and with the provisions of the Industrial Societies Acts.
10	30 & 31 Vict. c. 117. An Act to amend the Industrial and Provident Societies Acts.			

SECOND SCHEDULE.

Maximum Fees.

15	Registry of any rules or alteration of rules of any society other than a society under the Friendly Societies Acts or Industrial Societies Acts	-	-	One guinea.
	Inspection of any document in office of registrar	-	-	One shilling.
	Certificate that a copy of any rules or alteration of rules is a true copy	-	-	One shilling.
	Certificate that rules or alteration of rules are registered	-	-	One shilling.
	Certificate of registry (if granted)	-	-	Five shillings.

- 20 NOTE.—Where any fee has been paid for the registry of any rule or alterations of rule of any society, no further fee shall be payable in respect of the registry of any rule or alteration of rule of the same society until after the expiration of three years from the date of such payment.

No fee is payable for the registry of the rules or alterations of the rules of a society under the Friendly Societies Acts or Industrial Societies Acts.

THIRD SCHEDULE.

Acts Repealed.

Date of Act.	Title of Act.	Extent of Repeal.
6 & 7 Will. 4. c. 32.	An Act for the regulation of Benefit Building Societies.	So much as applies the following portion of the Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter forty, namely, section four down to the words "no further fee than that specified in the said recited Act," inclusive, and section five except so far as the same relate to Scotland or Ireland. 5 10
3 & 4 Vict. c. 110. -	An Act to amend the laws relating to Loan Societies.	Section four down to the words "sum of one guinea" inclusive, and section six. 15
6 & 7 Vict. c. 36. -	An Act to exempt from county, borough, parochial, and other local rates, land and buildings occupied by Scientific or Literary Societies.	Section two down to the words "certificate is withheld" inclusive, and section four except so far as the same relate to Scotland and Ireland. 20
18 & 19 Vict. c. 63.	An Act to consolidate and amend the law relating to Friendly Societies.	Sections three, six, and seven, section twenty-six, down to the words "no fee shall be payable to the said registrar," inclusive; section twenty-seven, from the words "provided always" down to the words "validity thereof," both inclusive. 25 30
23 & 24 Vict. c. 58.	An Act to amend an Act of the eighteenth and nineteenth years of Her Majesty relating to Friendly Societies.	Sections four, five, and six.
30 & 31 Vict. c. 117.	An Act to amend the Industrial and Provident Societies Acts.	So much of sections four, seven, and eight as relate to a certificate as defined by this Act. 35

Friendly Societies.

A

B I L L

To amend the Law relating to Friendly Societies.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Stansfeld.)

*Ordered, by The House of Commons, to be Printed,
10 February 1870.*

[Bill 14.]

Under 1 oz.

A
B I L L

FOR

The Abolition of the Game Laws.

A.D. 1870.

WHEREAS various statutes have from time to time been enacted for the protection of certain species of wild animals for sporting purposes :

And whereas in consequence of such legislation the said wild animals have in various parts of the country multiplied to an extent very injurious to the interests of the cultivators of the soil, as well as to the general well-being of the community, by diminishing the available produce of the land :

And whereas such excessive quantity of the said wild animals has greatly contributed to the demoralization of the people, by affording continual temptation to breaches of the law :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,—

1. That from and after the *fourteenth day of February one thousand eight hundred and seventy-one*, all those statutes providing for the protection, preservation, and sale of the wild animals aforesaid, namely, any game whatever, and any woodcock, snipe, quail, or landrail, or any conies, or any deer, shall cease and determine; and after the commencement of this Act there shall be repealed the several Acts, or such portions of them as are inconsistent with this Act, mentioned in the schedule hereto annexed.

Repeal of Acts.

A.D. 1870.

SCHEDULE.

List of Acts repealed.

13 Rich. 2. c. 13.	5 & 6 Vict. c. 81.	
Act of 1621, c. 31. Scotch Act.	7 & 8 „ c. 29.	
10 Will. 3. c. 8. Irish Act.	11 & 12 „ c. 29.	5
Act 1707, c. 13. Scotch Act.	11 & 12 „ c. 30.	
13 Geo. 3. c. 54.	23 & 24 „ c. 113.	
27 „ c. 35. Irish Act.	24 & 25 „ c. 91.	
37 „ c. 21. Irish Act.	24 & 25 „ c. 96.	
39 „ c. 34.	25 & 26 „ c. 114.	10
48 „ c. 93.	26 „ c. 19.	
9 Geo. 4. c. 69.	27 & 28 „ c. 67.	
10 „ c. 50.	28 & 29 „ c. 2.	
1 & 2 Will. 4. c. 32.	28 & 29 „ c. 11. s. 87.	
2 & 3 „ c. 68.	28 & 29 „ c. 12. s. 91.	15
2 & 3 „ c. 113. s. 9.	28 & 29 „ c. 54.	
5 & 6 „ c. 20. ss. 20 and 21.	32 & 33 „ c. 4.	
6 & 7 „ c. 65.	32 & 33 „ c. 5.	

Game Laws Abolition.

A

B I L L

For the Abolition of the Game Laws.

(*Prepared and brought in by*
Mr. Taylor, Mr. Jacob Bright, Mr. White,
Mr. M'Combie, and Mr. Dickinson.)

Ordered, by The House of Commons, to be Printed,
16 March 1870.

[Bill 73.]

Under 1 oz.

A
B I L L

TO

Amend the Laws relating to Game.

A.D. 1870.

WHEREAS it is expedient to amend the laws relating to Game :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Game Laws Amendment Act, Short title. 1870.

2. From and after the *twenty-fifth day of September one thousand* 10 *eight hundred and seventy* it shall be lawful for any tenant, or any person employed by him, and having his authority or permission, to kill rabbits on the lands occupied by him, any agreement or covenant to the contrary notwithstanding; and any agreement reserving the sole or exclusive right to kill rabbits shall be null 15 and void.

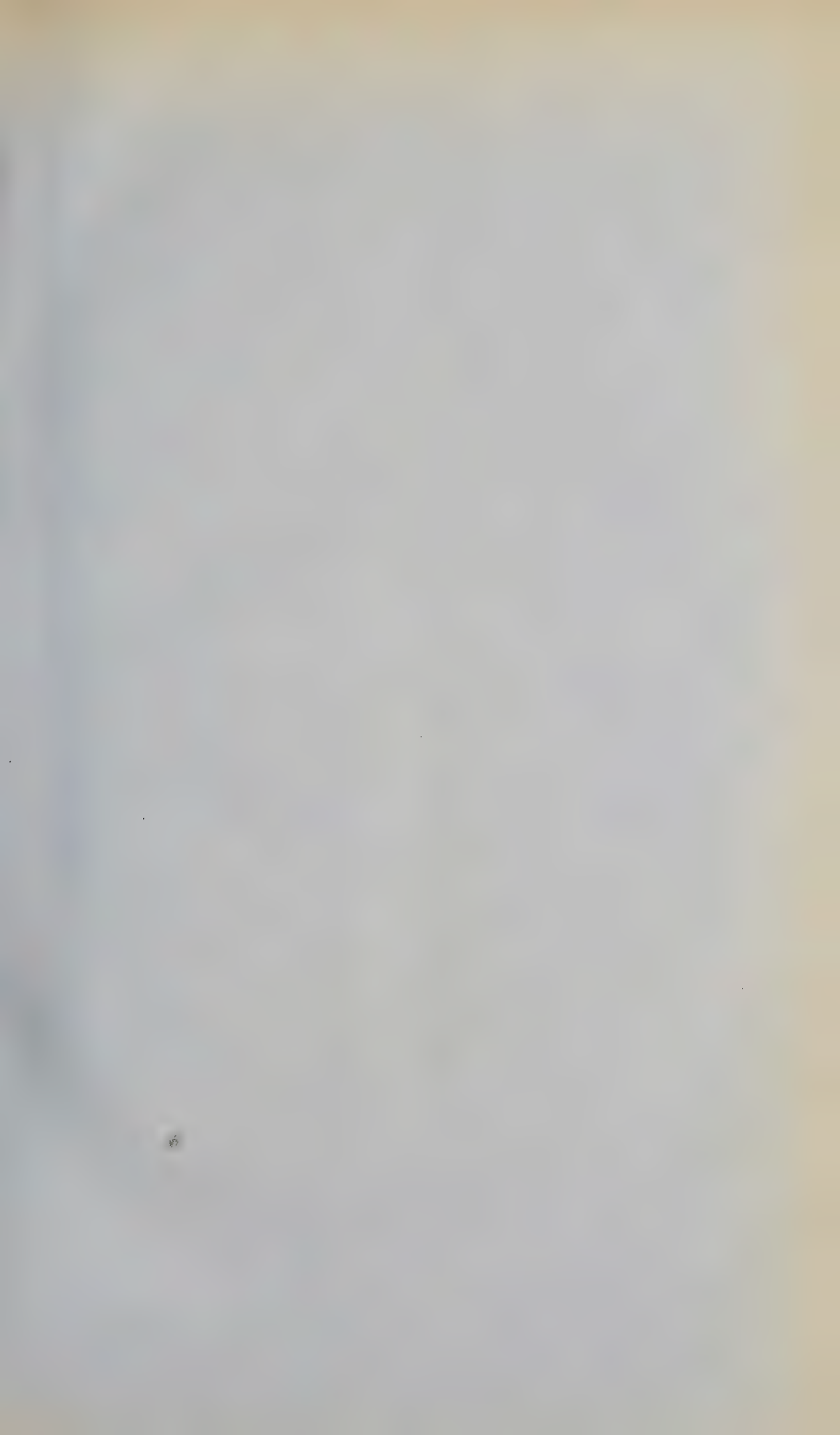
Tenants
may kill
rabbits.

3. Any person who shall kill any rabbits in pursuance of this Act shall not thereby become liable to pay any assessed taxes, nor shall he be bound to take out any licence under the Act passed in the twenty-third and twenty-fourth years of the reign of Her most 20 Excellent Majesty, chapter ninety.

Persons so
killing
rabbits not
liable to take
out licence.

4. The provisions of this Act shall not apply to any lands held under any lease which was originally granted for a term of years not less than five, during the term or currency of such lease.

Act not to
apply to
lands held
under lease
for more
than five
years.



Game Laws Amendment.

A

B I L L

To amend the Laws relating to Game.

*(Prepared and brought in by
Mr. Philip Wykeham Martin, Sir David
Salomons, and Sir Henry Hoare.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1870.*

[Bill 3.]

Under 1 oz.

A
B I L L

TO

Amend and assimilate in certain respects the Laws of A.D. 1870.
England and Scotland relating to Game.

WHEREAS by the law of England the tenant in the occupation of land for the time has the sole right of killing and taking the game thereon, unless such right be expressly reserved by or granted to the landlord or any other person, and it is expedient to
5 assimilate in this respect the law of Scotland to that of England, and also to amend and assimilate in certain other respects the laws of England and Scotland relative to game, and to make certain provisions for the protection of tenant farmers against injury arising to them in consequence of any undue increase of hares and
10 rabbits when they are prohibited by their landlords from killing and taking these animals :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
15 and by the authority of the same, as follows ;

1. This Act may be cited for all purposes as "The Game Laws Short title.
Amendment Act, 1870."

2. For the purposes of this Act, the words and terms herein-after mentioned shall have and include the meanings herein-after
20 assigned to them ; that is to say,

The term "lessor" shall mean the grantor of any lease of land for a year or a longer term, and also the person for the time in the right and subject to the obligations of the grantor with respect to such lease :

25 The term "lessee" shall mean the grantee of any lease of land for a year or a longer term, and also the person for the time in the right and subject to the obligations of the grantee with respect to such lease :

[Bill 101.]

A

A.D. 1870.

The term "game" shall be deemed to include, hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards :

The term "Martinmas" shall mean the eleventh of November :

The singular shall include the plural, and vice versa.

5

Acts re-
pealed.

3. The Act of the Scottish Parliament, one thousand six hundred and twenty-one, chapter thirty-one, "Anent hunting and hauling," is hereby repealed.

Tenants to
have the
sole right
to game and
rabbits un-
less reserved.

4. In all cases where any person shall occupy any land in Scotland as tenant under any lease or agreement made subsequently to the passing of this Act, such person shall have the sole right of killing and taking the game and rabbits upon such land, unless such right shall have been expressly reserved by the landlord or granted to him by the tenant, or except in so far as such right shall have been so reserved or granted.

15

English
tenants shall
not be dealt
with as
poachers in
respect of
hares and
rabbits, but
may be liable
for breach of
contract.

5. No lessee in the occupation of any land in England shall be liable to prosecution, or to any penalty or punishment, under the Act first and second William the Fourth, chapter thirty-two, intituled "An Act to amend the Laws in England relative to Game," or under any other Act or Acts of Parliament, for pursuing, killing, or taking hares or rabbits on such land, or for giving permission to any other person so to do; but the permission of a lessee without right shall not avail any person to whom it may be given: Provided always, that nothing herein contained shall protect a lessee against an action for breach of any contract whereby he is restrained from pursuing, killing, or taking hares or rabbits on the land of which he is lessee.

20

25

Scotch
tenants to be
liable for
breach of
contract
only.

6. No lessee in the occupation of any land in Scotland shall be liable to prosecution, or to any penalty or punishment, under any Act or Acts of Parliament, for pursuing, killing, or taking hares or rabbits on such land: Provided always, that nothing herein contained shall protect a lessee against an action for breach of any contract whereby he is restrained from pursuing, killing, or taking hares or rabbits on the land of which he is lessee.

30

No injunc-
tion or inter-
dict shall be
granted to
protect or
enforce any
contract in
this matter.

7. No injunction shall be granted in England, and no interdict shall be granted in Scotland, upon or in order to protect or enforce any contract whereby a lessee is restrained from pursuing, killing, or taking hares or rabbits on the land of which he is lessee, but the lessor shall be left to his ordinary legal remedies, other than injunction or interdict, upon such contract.

40

8. When the exclusive right of killing hares or rabbits has been reserved by or granted to the lessor, and he shall fail or omit to keep down the stock of these animals to such extent as shall be fair and reasonable in justice to the lessee who is prohibited from killing them, such lessor shall be liable in damages to the lessee for the loss, injury, and damage caused to him by such failure or omission: Provided always, that in judging of the extent to which it is fair and reasonable that such stock should be kept down, and also in assessing damages, regard shall be had to the character and cultivation of the land, the amount of the rent as compared with the real value at the commencement of the lease, and the terms and conditions of the lease. A.D. 1870.
Landlords shall keep down stock when rights are reserved.
9. Any lessee who, by himself or others for whom he is responsible, hunts, kills, or takes game or rabbits contrary to the terms of his lease or of his bargain with the lessor, shall be liable in damages for breach of contract, and the same may be recovered in the form and manner herein-after provided. Tenant liable for breach of contract.
10. Any lessor who, to the injury and damage of the lessee, fails to fulfill the obligation incumbent on him under clause eight of this Act, shall be liable in damages as for breach of contract, and the same may be recovered in the form and manner herein-after provided. Landlord liable for breach of contract.
11. In England, damages to any amount not exceeding *fifty pounds*, for which liability is incurred under the provisions of this Act, may be sued for in the county court within the district of which the lands upon which the claim of damages has arisen, or any part thereof, are situated, and the judge of such county court may remit to a man or men of skill to inspect the premises, and report, and shall try and decide the case without a jury. Damages not exceeding fifty pounds to be sued for in county courts in England.
12. In England, when the damages claimed exceed *fifty pounds*, any action therefor shall be brought in one of the superior courts of common law at Westminster. Damages exceeding fifty pounds to be sued for in superior courts.
13. In Scotland damages to any amount not exceeding *fifty pounds* for which liability is incurred under the provisions of this Act may be recovered by action before the sheriff of the county in which the lands or any part thereof are situated, and such action may be raised and proceeded with in the form and according to the procedure observed in the sheriffs small debt court, subject to the following provisions in cases where the amount sued for exceeds *eight pounds six shillings and eightpence*; viz., first, that counsel, Damages not exceeding fifty pounds to be sued for in sheriff courts in Scotland according to procedure in small debt court, subject to certain provisions.

A.D. 1870. agents, and procurators shall be entitled to appear for the parties in such actions; second, that the sheriff shall take and preserve a note of the pleas of the parties, and any evidence that may be adduced; third, that the sheriff may remit to a man or men of skill to inspect the premises, and report; and, fourth, that when the sum sued for exceeds *twenty-five pounds*, the sheriff's judgment shall be subject to appeal to the Court of Session.

Damages exceeding fifty pounds to be sued for in Court of Session. Time for bringing actions by lessor.

14. In Scotland, when the damages claimed exceed *fifty pounds*, any action therefor shall be brought in the Court of Session.

15. Any action by a lessor against a lessee for damages of the nature herein-before provided for shall be brought within *three months* of the date of the act or acts on account of which damages are claimed, and shall not thereafter be competent.

Time for bringing actions by lessee.

16. Any action by a lessee against a lessor for damages of the nature herein-before provided for shall be brought not later than *15 Martinmas* of the year in which the injury was done in respect of which the damages are claimed, and shall not thereafter be competent, and the year shall for the purposes of this Act be taken to run from *Martinmas* to *Martinmas*, and only one such action shall be competent in the same year to the lessee against the lessor of any farm.

Appointment of arbiters.

17. Any written agreement between a lessor and lessee to refer to arbitration claims of damages which have arisen or may thereafter arise between them of the nature herein-before provided for shall be valid and binding, although the arbiter or arbiters may not be named; and if either party shall refuse or fail for *ten* days after written notice to name an arbiter or arbiters, in pursuance of such agreement, the arbiter or arbiters named by the other shall be at liberty to proceed, and to act as if he or they had been duly appointed by both parties.

30

Decision of arbiter valid though not in the form of a decree arbitral.

18. A written decision by an arbiter or arbiters named by the parties, or by one of them after the refusal or failure of the other, as aforesaid, or by an arbiter or arbiters duly appointed under any such agreement as is contemplated in the preceding section, or by an oversman duly appointed under any such agreement, shall be valid and effectual in a court of law according to the true intent and meaning thereof, although it shall not be in the form of a formal award or decree arbitral; and it shall be no objection to the agreement to refer, or to the nomination of an arbiter or arbiters, that the same is not contained in a formal deed, provided it be in writing admitted or proved to be genuine.

40

19. A lessee who is by contract or agreement with the lessor prohibited from killing hares or rabbits on the land let to him shall be at liberty before the term of Martinmas in any year to render to the lessor or his known factor or agent an account of the damage
 5 caused to him in that year by the failure or omission of the lessor to keep down the stock of these animals, and to name an arbiter to whom he is willing to refer his claim against the lessor for such damage, and, provided the amount claimed do not exceed *twenty-five* pounds, the lessor shall be bound within *fourteen* days of the
 10 receipt of such account and nomination to name an arbiter to act for him in regard thereto; and the arbiters named by the parties respectively shall be entitled to decide finally upon the lessee's claim, or, if they cannot agree, to name an oversman or umpire, who shall be entitled finally to decide upon the same; and should the
 15 lessor fail to name an arbiter within the time hereby limited, the arbiter named by the lessee shall be entitled finally to decide upon the claim.
20. No proceedings under the preceding clause shall be void for want of form, and the arbiter or arbiters, umpire or oversman,
 20 having jurisdiction by virtue thereof, shall be at liberty to determine the course of procedure, and the nature and extent of the inquiry which it is proper to make, and their decision or decisions shall be final, and although informal may be enforced by action in a court of law.
- 25 21. It shall not be competent to any lessee to have in respect of the same farm more than one such arbitration as aforesaid in any one year; and such arbitration shall preclude an action by him in the same year for damage caused by hares or rabbits upon such farm.
22. This Act shall come into operation from and after the first
 30 day of February one thousand eight hundred and seventy-one.

A.D. 1870.

Lessee to
render an
account and
name an
arbiter.

Proviso as
to amount
claimed.

Proceedings
not void for
want of
form.

One arbitra-
tion in one
year.

Commence-
ment of Act.

Game Laws Amendment, &c.

A

B I L L

To amend and assimilate in certain respects the Laws of England and Scotland relating to Game.

(*Prepared and brought in by
the Lord Advocate and Mr. Secretary Bruce.*)

*Ordered, by The House of Commons, to be Printed,
11 April 1870.*

[Bill 101.]

Under 1 oz.

Game Laws Amendment (No. 2.) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Interpretation clause.
3. No one to be proceeded against criminally for killing game.
4. Game to be the property of the occupier. In common land owner to be deemed occupier.
5. A person loitering at night, and suspected of any offence against this Act, may be apprehended.
6. Agreements in writing for less than three years to have the same force as if by deed.
7. How existing covenants as to game preserving to be enforced under this Act.

Licensing.

8. Repeal of present licenses under 23 & 24 Vict. c. 90.
9. Duties in lieu thereof to be hereafter charged.
10. Justices to hold special sessions for granting licenses to deal in game. Inland Revenue license only to be granted to persons licensed by justices.
11. Penalty on persons dealing in game or eggs of game without license, or dealing with persons not licensed.
12. Proviso as to partners.
13. License when to become void.
14. Exceptions as to innkeepers.
15. As to buying and selling game by the servants of licensed dealers.
16. Duties and licenses to be under the management of Commissioners of Inland Revenue.
17. Licenses to be in such form as Commissioners direct, and available for whole United Kingdom.

[Bill 115.]

a

Clauses.

18. Lists of persons having licenses under this Act to be kept for inspection.
19. Persons doing anything requiring a license to produce the same on demand, or give their names, and penalty for refusal.
20. Possession of game illegal after certain days.

SCHEDULE.—Acts to be repealed.

A

B I L L

TO

Amend the Laws relating to Game.

A.D. 1870.

WHEREAS it is expedient to amend the law with regard to game, and to consolidate into one Act certain statutes now existing:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Game Laws Amendment Act, Short title. 1870.

2. The word "game" shall, for all purposes of this Act, include foxes, hares, rabbits, pheasants, partridges, grouse, heath or moor game, black game, woodcocks, swans, snipe, teal, wild duck, land-rails, water-rails, moorhens; and the words "to deal in game" shall mean to buy dead game for the purpose of selling it again.

Interpreta-
tion clause.

3. From and after the *passing of this Act*, no proceeding shall be taken in any criminal court, or before any justice or magistrate, against any person whatever, for having killed game at any time or in any place: Provided always, that nothing in this Act contained shall prevent any person from proceeding by way of civil action in respect to any game that has been killed.

No one to be
proceeded
against
criminally
for killing
game.

4. All game shall be deemed to be the property of the occupier of the land on which it is reduced into possession, either by being killed or taken alive; and whosoever shall unlawfully and wilfully take any game, whether dead or alive, or the eggs of any birds that are game, or wilfully destroy such eggs in the nest, shall, on conviction thereof before any two justices of the peace, be imprisoned only, or imprisoned and kept to hard labour, for any term not exceeding *six months*, or shall forfeit and pay, over and above the value of the game or eggs stolen, such sum of money not exceeding *twenty pounds* as to the justices shall seem meet; and whoever,

Game to be
the property
of the occu-
pier.

24 & 25 Vict.
c. 96. ss. 12.
and 21.
1 & 2 W. 4.
c. 32. s. 24.

[Bill 115.]

A

A.D. 1870. having been previously convicted of this or any like offence, shall be convicted again in like manner, shall be imprisoned and kept to hard labour for any term not exceeding *one year*; and whosoever having been twice convicted of any such offence, shall afterwards be convicted again in like manner, shall be guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny: Provided always, that for the purposes of this Act all waste and common lands, and all public roads and highways, shall be deemed to be in the occupation of the person or persons in whom the freehold of the soil is vested; but nothing in this Act contained shall defeat or diminish the rights or privileges of any owners of cattlegates or rights of common over any waste or common lands.

Owner of common lands to be deemed occupier.

A person loitering at night, and suspected of any offence, may be apprehended.

Same as 24 & 25 Vict. c. 96. s. 104.

Agreements in writing for less than three years to have the same force as if by deed. 29 Car. 2. c. 3. s. 1. (Statute of Frauds.) 8 & 9 Vict. c. 106. s. 3.

How covenants now existing as to game preserving to be enforced under this Act.

5. Any constable or peace officer may take into custody without warrant any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any offence against this Act, and shall take such person, as soon as reasonably may be, before a justice of the peace, to be dealt with according to law.

6. Any agreement with respect to entering or being upon any land for the purpose of killing or taking any game thereon, put into writing and signed by the parties so making the same, or their agents thereunto lawfully authorized in writing, if made for a term not exceeding three years, shall have the same force and effect as if made by deed.

7. Where, by any deed, grant, lease, or any written or parol demise or contract, a right of entry upon any land for the purpose of preserving and killing or taking game hath been before the commencement of this Act reserved or retained by or given or allowed to any grantor, lessor, landlord, or other person whatever, the occupier of such land shall be deemed to have covenanted with such grantor, lessor, landlord, or other person, his heirs, executors, administrators, and assignees, as follows; that is to say,

(1.) To permit such grantor, lessor, landlord, or other person, or any servant, or any person duly authorized by such grantor, lessor, landlord, or other person, to enter and be upon such land, whenever he the said grantor, lessor, landlord, or other person shall think fit, and to do anything for the preservation of the game upon such land which by the aforesaid deed, grant, lease, or written or parol demise or contract he has a right to do:

(2.) To hand over or permit to be taken away by such grantor, lessor, landlord, or other person all game reduced into possession by being killed or taken alive upon such land, and to prosecute or promote the prosecution of any person committing any offence under this Act upon such land :

A.D. 1870.

(3.) Not to permit any other person to kill or take alive any game, or wilfully to disturb or destroy the nest or eggs of any birds that are game, and himself to abstain from killing or taking alive any game, or wilfully disturbing or destroying the nest or eggs of any birds that are game, upon such land, without the licence of the grantor, lessor, landlord, or other person whom a right of entry upon such land for the purpose of preserving or killing game hath been reserved or retained by or given or allowed to.

15

As to Licensing.

8. From and after the *passing of this Act*, the respective duties or sums of money payable under the Act passed in the twenty-third and twenty-fourth years of Victoria, chapter ninety, for and upon the several licences to deal in game therein mentioned, shall cease or determine, except as to any arrears of the said duties respectively, and as to any penalties incurred before the commencement of this Act.

Repeal of
all present
licences.
23 & 24 Vict.
c. 90. s. 1.

9. In lieu of the duties hereby repealed, there shall be charged for and upon the following licences, when granted, the following duties or sums of money respectively ; (that is to say,) *for every licence to buy or sell game, or eggs of game, 2l.* ; for every licence to sell game, 1l.

Duties in
lieu thereof
to be here-
after levied.
23 & 24 Vict.
c. 90. s. 2.
30 Vict. c. 5.
s. 3.

10. The justices of the peace of every county, riding, division, liberty, franchise, city, or town shall hold a special session in the division or district in which they usually act, in the month of July in each succeeding year, and also at any other time, and from time to time, as often as they shall think fit, for the purpose of granting licences to deal in game, of the holding of which special sessions at least seven days notice shall be given to each of such justices acting for such division or district ; and the majority of such justices assembled at such session or some adjournment thereof, not being less than two, are hereby authorized to grant under their hands to any person being a householder or keeping a stall or shop within such division or district, and not being an innkeeper or victualler, or licensed to sell beer by retail, nor being a carrier or higgler, nor being in the employment of any of the above-mentioned persons, a

Justices to
hold special
sessions for
granting
licences to
deal in game.
1 & 2 W. 4.
c. 32. s. 18.
2 & 3 Vict.
c. 35. s. 4.
23 & 24 Vict.
c. 90. s. 14,
15, 16.

A.D. 1870. licence, according to the form in the schedule, which licence shall continue in force for the period of *one year* next after the granting thereof, empowering the person to whom such licence shall be so granted to sell eggs of game, or to buy eggs of game, from any person who may lawfully sell the same, or to buy game at any place 5 from any person who may lawfully sell the same by virtue of this Act, for the purpose of selling it again; and every person who shall have obtained such licence as aforesaid shall annually, and during the continuance of such licence, and before he shall be empowered to deal in game or eggs of game under such licence, obtain a further 10 licence to deal in game or eggs of game, from the Commissioners of Inland Revenue, on payment of the duty by this Act charged thereon; provided that no licence to deal in game, or buy or sell eggs of game, shall be granted to any person by the Commissioners of Inland Revenue, except upon the production of a licence for the 15 purpose duly granted to him by the justices of the peace as aforesaid, and then in force.

Penalty on persons dealing in game without licence, or dealing with persons not also licensed.

1 & 2 W. 4. c. 32. ss. 25 and 27.

Proviso as to partners. 1 & 2 W. 4. c. 32. s. 21.

11. If any person shall sell game or eggs of game to any other person who has not obtained a licence to buy game or eggs of game from the Commissioners of Inland Revenue, or having himself 20 obtained a licence from the justices aforesaid, shall deal in game, or buy or sell eggs of game, before he shall have obtained a further licence from the Commissioners of Inland Revenue, or shall buy game or eggs of game from any person not authorized to sell game or eggs of game, he shall forfeit the sum of *twenty pounds*. 25

12. Provided always, that persons being in partnership, and carrying on their business at one house, shop, or stall only, shall not be obliged by virtue of this Act to take out more than one licence in any *one year*, to authorize them to deal in game at such house, shop, or stall. 30

Licence when to become void. 1 & 2 W. 4. c. 32. s. 22.

13. If any person having taking out any licence under this Act shall during the period of such licence be convicted of any offence whatever against this Act, such licence shall thereupon become null and void.

Exceptions as to innkeepers. 1 & 2 W. 4. c. 32. s. 26.

14. Provided always, that it shall be lawful for any innkeeper or 35 licensed victualler, without any such licence for dealing in game as aforesaid, to sell game for consumption in his own house, such game having been procured from some person licensed to deal in game, or to sell game only, and not otherwise.

As to buying and selling game by the

15. Provided always that the buying and selling of game by any 40 persons employed on the behalf of any licensed dealer in game, and

A.D. 1870.

acting in the usual course of his employment, and upon the premises where such dealing is carried on, shall be deemed to be a lawful dealing in every case were the same would have been lawful if transacted by such licensed dealer himself; provided also, that
 5 nothing herein contained shall prevent any licensed dealer in game from selling any game which shall have been sent to him to be sold on account of any other licensed dealer in game.

servants of
 a licensed
 dealer.
 1 & 2 W. 4.
 c. 32. s. 29.

16. The duties and licences granted under this Act shall be excise duties and licences, and shall be under the management of
 10 the Commissioners of Inland Revenue; and all the powers, provisions, clauses, regulations, and directions contained in any Act relating to excise duties or licences, or to penalties under excise Acts, and now or at any time hereafter in force, shall respectively be in full force and effect with respect to the duties hereby granted,
 15 and the licences relating thereto, and the penalties hereby imposed, so far as the same are applicable, and shall be observed, applied, and enforced for and in the collecting, regulating, and recovering of the duties hereby granted, and the licences relating thereto, and the penalties hereby imposed, and otherwise in relation to the said
 20 duties, licences, and penalties, so far as the same shall be consistent with and not superseded by the express provisions of this Act, so fully and effectually as if the same had been herein repeated and specially enacted with reference to the said last-mentioned duties, licences, and penalties respectively.

Duties and
 licences to be
 under the
 management
 of Commis-
 sioners of
 Inland Re-
 venue.
 30 Vict. c. 5.
 s. 4.
 23 & 24 Vict.
 c. 90. s. 3.

25 17. The licences to be taken out under this Act shall be in such form, and shall be granted by such officers of Inland Revenue, and at such places as the Commissioners of Inland Revenue shall direct; and every licence shall commence from the day on which the same shall be granted, and shall terminate on the day of
 30 and shall be available for the purpose for which in any part of the United Kingdom.

Licences to
 be in such
 form as Com-
 missioner
 direct, and
 available for
 whole United
 Kingdom.
 30 Vict. c. 5.
 23 & 24 Vict.
 c. 32. s. 18.

18. Every officer of the Inland Revenue appointed or authorized to grant licences under this Act shall in each year make out lists to be kept in his possession, containing the name and place of
 35 abode of every person to whom he shall have granted any licence under this Act, and shall cause the same to be advertised in such newspaper or published in such other manner as to the Commissioners of Inland Revenue shall seem proper, and such officer shall at all reasonable hours produce such lists or any of them to any
 40 person making application to inspect the same, and (except such person be a justice of the peace acting for the division or district

Lists of per-
 sons having
 licences
 under this
 Act to be
 kept.
 23 & 24 Vict.
 c. 90. s. 12.
 and 15.
 30 Vict. c. 5.
 s. 6.

A.D. 1870. in which such application is made, or a constable or other officer of the peace,) shall be entitled to demand and receive for every inspection the sum of *one shilling*.

Persons doing any Act requiring a licence to produce the same, on demand, or declare their names and places of residence. Penalty on refusing 20*l*. 23 & 24 Vict. c. 90. s. 10. 30 Vict. c. 5. s. 9.

19. If any person shall be discovered doing any act whatever in respect whereof a licence is required under this Act by any officer 5 of Inland Revenue, or by any person who has duly taken out any licence under this Act, or by the occupier of the land on which such person shall then be, or by any servant of such occupier, it shall be lawful for such officer or other person aforesaid to demand and require from the person so acting the production of a licence issued 10 to him, and the person so acting is hereby required to produce such licence to the person so demanding the production thereof, and to permit him to read the same, and (if he shall think) to take a copy thereof or of any part thereof, and if such person shall after such demand made refuse to produce and show a licence, or refuse to 15 permit the same to be read or copied as aforesaid, or in default thereof refuse to give his Christian name and surname and place of abode, or if he shall produce any false or fictitious licence, or give any false or fictitious name or address, he shall forfeit a sum not exceeding *twenty pounds*. 20

Possession of game illegal after certain days. 1 & 2 W. 4. c. 32. s. 4.

20. If any person shall have in his possession any dead bird of game after the seventh day of March, such person shall on conviction before any two justices of the peace forfeit and pay for every head of game so in his possession any sum not exceeding *one pound*, together with the costs of conviction. 25

21. This Act shall come into operation on the day of and after the commencement of this Act there shall be repealed the several Acts specified in schedule hereto annexed, to the extent in the said schedule mentioned.

SCHEDULE.

LIST OF ACTS REPEALED.

Date.	Title of Act.	Extent of Repeal.
9 Geo. 4. c. 69.	-	The whole, except so far as it repeals any other Acts, or relates to Scotland.
1 & 2 Will. 4. c. 32.	-	Ditto.
6 & 7 Will. 4. c. 65.	-	Section 9.
2 & 3 Vict. c. 35.	-	Section 4.
7 & 8 Vict. c. 29.	-	The whole.
11 & 12 Vict. c. 29.	-	The whole.
23 & 24 Vict. c. 90.	-	The whole, except so far as it repeals any other Acts, or relates to Scotland or Ireland.
24 & 25 Vict. c. 96.	-	Section 17.
25 & 26 Vict. c. 114.	-	The whole.

**Game Laws Amend-
ment (No. 2.)**

A

B I L L

To amend the Laws relating to Game.

(*Prepared and brought in by
Mr. Hardeastle and Sir Wilfrid Lawson.*)

*Ordered, by The House of Commons, to be Printed,
2 May 1870.*

[Bill 115.]

Under 1 oz.

A

B I L L

TO

Amend the Game Laws in Scotland.

A.D. 1870.

WHEREAS the Acts specified in the schedule to this Act annexed, and herein-after referred to as the game laws, have been passed for the preservation of game in Scotland :

And whereas in various parts of Scotland serious evils have
 5 arisen from an excessive increase in the numbers of hares and rabbits which has been encouraged or permitted to take place in the midst of cultivated districts ; and it is expedient that the game laws be amended with a view to the removal of these evils :

Be it enacted by the Queen's most Excellent Majesty, by and
 10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

1. This Act may be cited for all purposes as "The Game Laws Short title.
 Amendment (Scotland) Act, 1870."

15 2. In this Act the following words shall have the meanings Interpretation.
 hereby assigned to them respectively :

"Tenant" shall mean any person in the occupation of any lands under any lease or agreement of lease, written or verbal :

20 "Lessor" shall mean any person being the owner or entitled to receive the rents of any lands occupied by a tenant :

"Sheriff" shall mean the sheriff of the county of which he is sheriff, and shall include sheriff substitute.

3. From and after the *passing of this Act*, it shall be lawful for
 any tenant, by himself, or any person employed by him, and having
 25 his authority or permission, to kill and take hares and rabbits on the lands occupied by him, subject to the provisions herein-after contained, and to have in his custody or possession hares and rabbits so killed or taken.

Tenant may
 kill hares
 and rabbits.

[Bill 7.]

A

A.D. 1870.

Tenant not
to be
divested of
right to kill
hares and
rabbits.

4. It shall not be lawful for any lessor and tenant after the passing of this Act by any lease or agreement between them, verbal or written, or otherwise, to divest or deprive such tenant of the power to kill and take hares and rabbits by this Act conferred on him, or to restrict him in the exercise of that power; and any lease or agreement entered into or made in contravention of this section shall be void and of no force or effect.

Notice by
tenant to
lessor where
right to kill
hares or
rabbits is
reserved in
lease.

5. Any tenant holding under a lease existing at the passing of this Act, in which the right to kill hares or rabbits is reserved to his lessor, may give notice in writing to his lessor that he intends under the provisions of this Act to kill and take hares and rabbits, or either of them, upon the lands occupied by him, and upon such notice being given, and upon payment by such tenant to his lessor, during the term or currency of such lease, of such annual stipulated abatement or allowance from the rent, if any, as may have been expressed in such lease in consideration of the reservation therein by the lessor of the right to kill hares or rabbits, or where no stipulated abatement or allowance from the rent is provided by such lease upon payment by such tenant to his lessor during the term or currency of such lease, of such compensation, if any, as may be agreed on or may be fixed by a valuator, to be named by the sheriff on the application of the lessor or the tenant, it shall be lawful for such tenant to kill and take hares and rabbits as provided by this Act.

Compensation for
damage
caused by
undue number of hares
and rabbits.

6. Any owner or occupier of any lands may present a summary petition to the sheriff, complaining of damage sustained by him from hares or rabbits on any lands adjoining to or in the vicinity of the lands belonging to or occupied by him, and the sheriff shall thereupon appoint a copy of such petition to be served on the owner and occupier of the lands in regard to which such complaint is made, and shall within *six* days after the presentation of such petition appoint a competent person to inquire into such petition, and to report whether there is an undue number of hares or rabbits on such last-mentioned lands, and to value the damage, if any, caused thereby; and the sheriff, on receiving such report and valuation, shall, after hearing parties thereon by themselves or their agents *viva voce*, if they appear before him, or if after due notice they fail to appear before him, consider and dispose of such petition and report, and may find that the petitioner is entitled to such sum as the sheriff thinks fit as compensation for damage sustained by him, and shall order such sum to be paid by the owner or the occupier

of such last-mentioned lands, or by them jointly, or in such proportions as the sheriff may determine. A.D. 1870.

7. The expenses incurred in or with respect to any petition presented to the sheriff under the provisions of this Act and the proceedings thereon shall be in the discretion of the sheriff; and he may find either of the parties to such proceedings liable to the other in such expenses, or may modify the same as he thinks fit. Cost of proceedings.

8. Any judgment pronounced by the sheriff substitute in a petition or proceedings under the provisions of this Act may be appealed to and reviewed by the sheriff, and all interlocutors or judgments pronounced by the sheriff substitute and not appealed to the sheriff, and all interlocutors or judgments pronounced by the sheriff, in petitions or proceedings under the provisions of this Act, shall be final and not subject to appeal or review in any court or by any process whatsoever. Judgments of the sheriff to be final.

9. From and after the *passing of this Act*, all offences against the game laws now cognizable by justices of the peace shall, notwithstanding anything in those laws contained, be inquired into and determined by the sheriff of the county where the offence shall be committed, at the instance of the procurator fiscal for the county, and the powers and jurisdiction of justices of the peace and quarter sessions under those laws shall cease and determine; and all powers, authority, and jurisdiction given by any of those laws to justices of the peace shall henceforth be vested in and exercised by the sheriff, and any forms or procedure applicable to prosecutions or proceedings before justices of the peace shall, *mutatis mutandis*, be applicable to prosecutions and proceedings before the sheriff; and it shall be competent for the prosecutor, or for the defender or party accused who shall have been brought before the sheriff substitute in the first instance, to appeal to the sheriff from the decision of the sheriff substitute in all cases in which it is provided by any of the Acts specified in the schedule to this Act annexed that it shall be competent to appeal from the decision of justices of the peace to the quarter sessions, and subject to the same regulations as are provided in the said Acts or any of them: Provided, that it shall be lawful for the sheriff, in pronouncing sentence for any offence under any of the game laws, to modify any pecuniary penalty or any term of imprisonment specified in such game laws in such manner and to such extent as he may think fit. Prosecutions under game laws to be before sheriff.

10. Any person who has been or shall be convicted of any act as being an offence under any of the game laws, shall not be liable to

Persons convicted not to be prosecuted

A.D. 1870. be again prosecuted for the same act as being an offence under any other of the game laws.

again for the same offence.

Tenants not liable to assessed taxes or licences.

11. Any tenant, or any person employed by him, and having his authority or permission, who may kill or take hares or rabbits under the provisions of this Act, shall not thereby become liable to pay 5 any assessed taxes or excise duties, or be bound to take out any licence or game certificate.

Saving existing leases of shootings.

12. The provisions of this Act shall not apply to or affect any lands included in leases existing at the passing of this Act, of game or shootings, to persons not being the occupiers of such lands, during 10 the term or currency of such leases: Provided always, that the tenant of any lands included in such leases of game or shootings may present a summary petition to the sheriff complaining of damage sustained by him from hares or rabbits on such lands, and the same proceedings shall take place on such petition as are 15 herein-before provided with respect to the petition of an owner or occupier of lands, and the sheriff may find that the petitioner is entitled to such sum as the sheriff thinks fit as compensation for damage sustained by him. Provided also, that the lessee of such game or shootings shall with reference to any petition which 20 may be presented under the provisions of this Act for recovering compensation for damage caused by hares or rabbits, and the proceedings thereon be regarded as the occupier of lands in regard to which any complaint may be made and be liable accordingly.

Act to apply to Scotland only.

13. This Act shall apply to Scotland only.

25

SCHEDULE.

A.D. 1870.

The ACTS referred to in this Act as the GAME LAWS.

- 5 An Act of the Parliament of Scotland passed in the year 1587, chapter 59, intituled "Slayers of wilde beastes committes theft."
- An Act of the Parliament of Scotland passed in the year 1621, chapter 31, intituled "Anent hunting and haulking."
- An Act of the Parliament of Scotland passed in the year 1707, chapter 91, intituled "An Act for preserving the game."
- 10 An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George 3, chapter 54.
- An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George 4, chapter 69.
- 15 An Act to amend the laws in England relative to game. 1 & 2 William 4, chapter 32.
- An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William 4, chapter 68.
- 20 An Act to continue for one year compositions for assessed taxes, and to alter the period for the expiration of game certificates, and for granting licences to deal in game. 2 & 3 Victoria, chapter 35.
- 25 An Act to extend an Act of the ninth year of King George the Fourth, for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.
- An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate. 11 & 12 Victoria, chapter 20.
- 30 An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.
- 35 An Act to amend the laws relating to the inland revenue. 24 & 25 Victoria, chapter 91.
- An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.
- 40

Game Laws (Scotland).

A

B I L L

To amend the Game Laws in Scotland.

*(Prepared and brought in by
Mr. Loch, Sir Robert Anstruther, and
Mr. Parker.)*

*Ordered, by The House of Commons, to be Printed,
10 February 1870.*

[Bill 7.]

Under 1 oz.

A
B I L L

TO

Facilitate in certain cases the obtaining of powers for the construction of Gas and Water Works and for the supply of Gas and Water. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. The Act may be cited for all purposes as "The Gas and Waterworks Facilities Act, 1870." Short title.

2. For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them; that is to Interpreta-
tion of
terms.

10 say :

The term "local authority" shall mean the bodies of persons named in the table in the schedule (A.) to this Act annexed :

The term "road" shall mean any carriageway being a public highway, and any bridge forming part of the same :

15 The term "road authority" shall mean any local authority, board, town council, body corporate, commissioners, trustees, vestry, or other body or persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road :

20 The term "district," in relation to a local authority, shall mean the area within the jurisdiction of such local authority :

The term "The Lands Clauses Acts" means so far as the Provisional Order in which that term is used relates to England or Ireland, the Lands Clauses Consolidation Act, 1845; and, so far as
25 the same relates to Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845; together with, in each case, the Lands Clauses Consolidation Acts Amendment Act, 1860 :

[Bill 77.]

A

A.D. 1870.

Description of Cases within this Act.

Act to apply
to certain
cases.

3. This Act shall apply where powers are required for all or any of the purposes following:—

- (1.) To construct gasworks and works connected therewith, or to manufacture and supply gas in any district within which there is not an existing company empowered by Act of Parliament to construct such works or to manufacture and supply gas : 5
- (2.) To construct waterworks and works connected therewith, or to supply water in any district within which there is not an existing company empowered by Act of Parliament to construct such works and to supply water : 10
- (3.) To raise additional capital necessary for any of the purposes aforesaid :
- (4.) To enable two or more companies or persons duly authorized to supply gas or water in any district or in adjoining districts to enter into agreements jointly to furnish such supply : 15

and such purposes, or any one or more of them, as the case may be, shall, for the purposes of this Act, be deemed to be included in the term “gas undertaking” or “water undertaking,” according as the same relate to the supply of gas or water. 20

Provisional Orders authorizing Gas and Water Undertakings.

By whom
provisional
orders
authorizing
undertakings
may be ob-
tained.

4. Provisional Orders authorizing any gas undertaking or water undertaking under the authority of this Act may be obtained in any district by any company or person ; and in the construction of this Act the term “the undertakers” shall be deemed to include any such company or person. 25

Where the undertakers require powers for the purpose of constructing gasworks or waterworks, or works connected therewith within any district, the consent of the local authority of such district shall be necessary before any Provisional Order can be obtained ; and where in such district there is a road authority distinct from the local authority, the consent of such road authority shall also be necessary in any case where power is sought to break up any road of such road authority, before any Provisional Order can be obtained. 30 35

Notices and
deposit of
documents
by pro-
motors as in
schedule.
24 & 25 Vict.
c. 45.
25 & 26 Vict.
c. 12.

5. The undertakers intending to make an application for a Provisional Order in pursuance of this Act shall proceed as follows:—

- (1.) In the months of *October* and *November* next before their application, or in one of those months, they shall publish notice of their intention to make such application by 40

advertisement, according to the regulations contained in Part One of the Schedule (B.) to this Act: A.D. 1870.

(2.) On or before the *thirtieth* day of the same month of *November* they shall deposit the documents described in Part Two of the same schedule, according to the regulations therein contained:

(3.) On or before the *twenty-third* day of *December* in the same year they shall deposit the documents described in Part Three of the same schedule, according to the regulations therein contained.

All maps, plans, and documents required by this Act to be deposited for the purposes of any Provisional Order may be deposited with the persons and in the manner directed by the Act of the session of Parliament held in the seventh year of the reign of His late Majesty King William the Fourth and the first year of Her present Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament;" and all the provisions of that Act shall apply accordingly.

6. The Board of Trade shall consider the application, and also any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the undertakers may proceed with the application.

7. Where it appears to the Board of Trade expedient and proper that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, the Board of Trade may settle and make a Provisional Order accordingly.

Every such Provisional Order shall contain such provisions as, according to the nature of the application and the facts and circumstances of each case, the Board of Trade thinks fit to submit to Parliament for confirmation in manner provided by this Act; but so that any such Provisional Order shall not contain any provision for empowering the undertakers or any other person to acquire lands otherwise than by agreement, or to acquire any lands, even by agreement, except to an extent therein limited.

The costs of and connected with the preparation and making of each Provisional Order shall be paid by the undertakers, and the Board of Trade may require the undertakers to give security for such costs before they proceed with the Provisional Order.

Power for Board of Trade to determine on application and on objection.
24 & 25 Vict. c. 45.
25 & 26 Vict. c. 19.

Power for Board of Trade to make Provisional Order.

Form and contents of Provisional Order.
24 & 25 Vict. c. 45.
25 & 26 Vict. c. 19.

Costs of Order.
24 & 25 Vict. c. 45.
25 & 26 Vict. c. 81.

A.D. 1870.

Publication
of Provi-
sional Order
as in sche-
dule.

Confirmation
of Provi-
sional Order
by Act of
Parliament.
24 & 25 Vict.
c. 45.
25 & 26 Vict.
c. 19.

8. When a Provisional Order has been made as aforesaid and delivered to the undertakers, the undertakers shall forthwith deposit and publish the same by advertisement according to the regulations contained in Part Four of the Schedule (B.) to this Act.

9. On proof to the satisfaction of the Board of Trade of the completion of such publication as aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of *seven days* from the completion of such publication, procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order, which shall be set out at length in the schedule to the Bill; but until confirmation by Act of Parliament a Provisional Order under this Act shall not have any operation. 5

If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act. 10

The Act of Parliament confirming any Provisional Order under this Act shall be deemed a Public General Act. 20

Incorpora-
tion of Ge-
neral Acts in
Provisional
Order.

10. The provisions of The Lands Clauses Acts shall be incorporated with every Provisional Order under this Act, save where the same are expressly varied or excepted by any such Provisional Order, and except as to the following provisions, namely,—

(1.) With respect to the purchase and taking of lands otherwise than by agreement: 25

(2.) With respect to the entry upon lands by the promoters of the undertaking.

Where a Provisional Order authorizes a gas undertaking the provisions of "The Gasworks Clauses Act, 1847," shall be incorporated with such Provisional Order, save where the same are thereby expressly varied or excepted. 30

Where a Provisional Order authorizes a water undertaking the provisions of "The Waterworks Clauses Act, 1847," and of "The Waterworks Clauses Act, 1863," shall be incorporated with such Provisional Order, save where the same are thereby expressly varied or excepted. 35

For the purposes of such incorporation a Provisional Order under this Act shall be deemed the special Act.

Cesser of
powers at

11. If any undertakers empowered by any Provisional Order under this Act to make works do not, within *three years* from the 40

date of such Provisional Order, or within any shorter period prescribed therein, complete the works ; or, A.D. 1870.

5 If within *one year* from the date of the Provisional Order, or within such shorter time as is prescribed in the Provisional Order, the works are not substantially commenced ; or, expiration of prescribed time.

10 If the works are commenced, but whilst the powers to carry them on exist are suspended without a reason sufficient in the opinion of the Board of Trade to warrant such suspension ; the powers given by the Provisional Order to the undertakers for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as is then completed, unless the time be prolonged by the special direction of the Board of Trade.

15 A statement in writing by the Board of Trade to the effect that such works have not been completed, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement, or suspension.

20 12. The undertakers empowered by any Provisional Order under this Act may demand and take, in respect of gas or water supplied by them under the authority of such Provisional Order, rents and rates respectively not exceeding the sums specified in such Provisional Order, subject and according to the regulations therein specified. Gas rents and water rates in schedule.

25 13. This Act shall not apply to any place within the Metropolis, as the same is defined in the Metropolis Management Act, 1855. Act not to apply to Metropolis.

SCHEDULE A.

A.D. 1870.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.
<i>England and Wales.</i>	
Boroughs (1.) - - - -	The mayor, aldermen, and burgesses acting by the council. 5
Any place other than a borough, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving any town.	The commissioners, trustees, or other persons intrusted by the Local Act with powers of improving, cleansing, or paving the town. 10
Any place not included in the above descriptions, and within the jurisdiction of local board constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts.	The local board. 15
Any place or parish not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The vestry, select vestry, or other body of persons, acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry. 20
<i>Scotland.</i>	
Places within the jurisdiction of any town council, and not subject to the separate jurisdiction of police commissioners or trustees.	The town council. 25
In places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any General or Local Act.	The police commissioners or trustees. 30
In any parish or part thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend.	The parochial board. 35
<i>Ireland.</i>	
The city of Dublin - - - -	The Right Honourable the Lord Mayor, aldermen, and burgesses, acting by the town council. 40
Towns corporate, with exception of Dublin.	The mayor, aldermen, and burgesses acting by the town council.
Towns having commissioners under an Act made in the 9th year of the reign of George the Fourth, intituled "An Act to make provision for the Lighting, Cleansing, and Watching, of Cities and Towns corporate and Market Towns in Ireland in certain cases."	The commissioners. 45
Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The municipal commissioners. 50
Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103), or any Acts amending the same, or under any Local Act.	The town commissioners. 55
Townships having commissioners under Local Acts.	The township commissioners.

(1.) "Borough" shall mean any place for the time being subject to an Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales." 60

SCHEDULE B.

A.D. 1870.

PROVISIONAL ORDERS.

PART I.

Advertisement in October or November of intended application.

- 5 (1.) Every advertisement is to contain the following particulars :
1. The objects of the intended application.
 2. A general description of the nature of the proposed new works, if any.
 - 10 3. The names of the townlands, parishes, townships, and extra-parochial places in which the proposed new works, if any, will be made.
 4. The times and places at which the deposit under Part II. of this schedule will be made.
 - 15 5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft Provisional Order, when deposited, and of the Provisional Order, when made, will be obtainable as herein-after provided.
- 20 (2.) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking.
- (3.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by the proposed undertaking, where
- 25 the proposed works (if any) will be made ; or if there be no such newspaper, then in some one and the same newspaper published in the county in which every such district, or some part thereof, is situate ; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.
- 30 (4.) The advertisement is also, in every case, to be inserted once at least in the London, Edinburgh, or Dublin Gazette, accordingly as the district is situate in England, Scotland, or Ireland.

PART II.

Deposit on or before 30th November.

- 35 (1.) The undertakers are to deposit—
1. A copy of the advertisement published by them.

[77.]

A 4

A.D. 1870.

2. A proper plan and section of the proposed new works, if any, such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

(2.) The documents aforesaid are to be deposited for public inspection—

In England or Ireland, in the office of the clerk of the peace for every county, riding, or division; in Scotland, in the office of the principal sheriff clerk for every county, district, or division which will be affected by the proposed undertaking, or in which any proposed new work will be made.

(3.) The documents aforesaid are also to be deposited at the office of the Board of Trade.

PART III.

Deposit on or before 23rd December.

15

(1.) The undertakers are to deposit at the office of the Board of Trade—

1. A memorial signed by the undertakers, headed with a short title descriptive of the undertaking (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a Provisional Order. 20
2. A printed draft of the Provisional Order as proposed by the undertakers, with any schedule referred to therein.
3. An estimate of the expense of the proposed new works, if any, signed by the persons making the same. 25

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than one shilling each.

(3.) The memorial of the undertakers (to be written on foolscap paper, bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require:—

[Short title of undertaking.]

To the Board of Trade,

The memorial of the undertakers of *[short title of undertaking]*:
Sheweth as follows;

35

1. Your memorialists have published, in accordance with the requirements of the Gas and Waterworks Facilities Act, 1870, the following advertisement:

[Here advertisement to be set out verbatim.]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement and [Here state deposit of the several matters required by Act]. A.D. 1870.

5 Your memorialists, therefore, pray that a Provisional Order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.,

C.D.,

Undertakers.

10

PART IV.

Deposit and advertisement of Provisional Order when made.

(1.) The undertakers are to deposit printed copies of the Provisional Order, when settled and made, for public inspection in the offices of clerks of the peace and sheriff clerks, where the documents
15 required to be deposited by them under Part II. of this schedule were deposited.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the
20 price of each.

(3.) They are also to publish the Provisional Order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published.

Gas and Water Facilities.

A

BILL

To facilitate in certain cases the obtaining of powers for the construction of Gas and Water Works and for the supply of Gas and Water.

(Prepared and brought in by
Mr. Shaw Lefevre and Mr. Stansfeld.)

*Ordered, by THE House of Commons, to be Printed,
17 March 1870.*

[Bill 77.]

Under 2 oz.

A
B I L L

TO

Confirm Provisional Orders under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burghs of Dunfermline, Perth, and Leith. A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Orders which
5 are contained in the Schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Orders should be so confirmed:

Be it enacted by the Queen's most Excellent Majesty, by and
10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Orders contained in the Schedule to this Act annexed shall be and are hereby confirmed, and all the provisions
15 thereof shall, from and after the passing of this Act, be valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation of Provisional Orders.

2. This Act may be cited as "The General Police and Improvement (Scotland) Supplemental Act, 1870." Short title.

A.D. 1870.

SCHEDULE referred to in this Act.DUNFERMLINE.*General Police and Improvement (Scotland) Act, 1862.*

WHEREAS "The General Police and Improvement (Scotland) Act, 1862," herein-after referred to as the "General Act," has been adopted in whole in the 5 royal burgh of Dunfermline :

And whereas it is by the General Act, inter alia, enacted (clause 79) that
 "whenever it appears desirable to the magistrates and council or commissioners
 "of police of any royal or parliamentary burgh, or to the commissioners for
 "executing this Act in any burgh or populous place, that provision should be 10
 "made in order the better to apply and execute therein the provisions of this
 "Act, in whole or part, or for the future application and execution of any
 "Acts in force therein, having relation to the purposes of this Act, or to the
 "roads or streets within such burgh or populous place, or to any other matter
 "or thing connected with the management and administration of the municipal 15
 "or police affairs of such burgh or populous place, or that any such Acts, or any
 "exemptions from rating therefrom derived, or that any Provisional Order or
 "Order in Council applying this Act, hereby authorized to be made, should
 "be wholly or partially repealed or altered," "the magistrates and council
 "or the commissioners of any burgh, or the magistrates and councils or com- 20
 "missioners of contiguous burghs, as the case may be, may present a petition
 "to one of Her Majesty's Principal Secretaries of State, praying for such pro-
 "vision, repeal and alteration as aforesaid, or for any of such things, and such
 "petition shall be supported by such evidence as the said Secretary requires :"

And whereas, since the adoption of the General Act in the said burgh 25
 of Dunfermline, the boundaries of the royalty of the said burgh have been
 extended under the provisions of the Act 20 and 21 Victoria, chapter 70,
 intituled "An Act to provide for the extension of the boundaries of burghs
 "in Scotland, and to remove doubts as to the right of certain persons holding
 "offices to be registered as voters for municipal purposes," by which last- 30
 mentioned Act it is, inter alia, enacted (section 3.), that the boundaries of
 the burgh, as extended under the provisions thereof, shall "be the boundaries
 "of the burgh for all municipal purposes only, including the right of voting
 "for town councillors and all matters connected with police, and the district
 "comprehended within such boundaries shall cease to belong to or form part 35
 "of the county in which it is locally situated, and shall belong to and form
 "part of such burgh as regards all local purposes, rights and obligations :"

And whereas it is expedient that provision should be made for making foot
 pavements within the districts annexed to and comprehended within the said
 burgh of Dunfermline by the foresaid extension of the boundaries thereof, by 40
 means of an assessment or rate to be levied from the owners of lands or premises
 therein :

And whereas a petition, under the provisions of the General Act, has been
 presented to me as one of Her Majesty's Principal Secretaries of State, by the
 magistrates and council of the said burgh, as commissioners of police under 45

the General Act, praying that a Provisional Order may be issued in the terms and to the effect after expressed : A.D. 1870.

And whereas due inquiry has been directed and held in respect of the matters mentioned in the said petition :

5 Now, therefore, in pursuance of the powers vested in me by the General Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

10 1. The districts annexed to and comprehended within the royal burgh of Dunfermline by the foresaid extension of the boundaries thereof, shall be and are hereby formed into one paving district, for the purpose of making footways or foot pavements therein, which district shall, for the purposes of this Provisional Order, be called the "special paving district."

2. All foot pavements and footways within the special paving district, whether
15 existing at the time when this Provisional Order shall come into force, or made at any time thereafter (except foot pavements or footways within the private property of any person made and used as of private right by any person or persons for his or their own benefit, or for the benefit of proprietors or shareholders of any company), shall vest in and belong to and be entirely under the
20 management and control of the commissioners; but the commissioners shall be bound to make such compensation to the owners of lands or premises opposite which foot pavements or footways have been made by such owners, as shall be agreed upon between the commissioners and such owners respectively, or, failing agreement, as shall be determined by two persons of skill as arbiters, one to be
25 named by the commissioners and the other by such owners respectively, or by an oversman to be named by such arbiters in the event of their differing in opinion, the said arbiters or oversman having regard to the cost of making and to the sufficiency of such foot pavements or footways; and in the event of any such owner refusing or delaying to appoint an arbiter, it shall be competent to the
30 commissioners to apply to the sheriff to fix such compensation.

3. It shall be lawful for the commissioners from time to time to charge the owners of all the lands or premises within the special paving district, according to the yearly rent or value of such lands or premises as fixed by the valuation roll in force for the time, made up and completed in terms of the Acts for the valuation
35 of lands and heritages in Scotland, with an assessment or rate for making foot pavements or footways within the special paving district, over and above any other assessment or rates to which such persons may be liable under the General Act, and which assessment or rate shall, for the purposes of this Order, be called the "foot pavement formation rate," and shall be leviable either from the
40 owner or occupier of such lands or premises; but the occupier shall be entitled, on payment thereof, to deduct the same from his rent; and such rate, so far as the occupier is concerned, shall be recoverable in such and the like manner as the police assessment is authorized to be recovered under the provisions of the General Act.

4. It shall be lawful for the commissioners to borrow for the purpose of making such foot pavements or footways, and on the security of the foot pavement formation rate, such sums of money, and at such times, as the

A.D. 1870. commissioners shall deem necessary for that purpose, and for the purpose of
 paying off monies so borrowed otherwise than by means of the sinking fund,
 and to assign the foot pavement formation rate in security of the money to be
 so borrowed; and the provisions of the General Act (part VI., section 2.)
 with respect to the borrowing of money, and the granting of bonds therefor, 5
 and the transference and recording of such bonds, and the appropriation, setting
 apart and investment of a sinking fund, shall be applicable to the borrowing of
 money for the purpose of making foot pavements or footways within the
 special paving district; and the bonds to be granted for the money so to be
 borrowed shall, mutatis mutandis, be in the form, as near as may be, set forth 10
 in the General Act of bonds to be granted for money borrowed for the purposes
 of the General Act, and shall constitute a lien over the foot pavement formation
 rate thereby assigned, and shall entitle the creditors therein to recover the sums
 thereby due from the commissioners and their officers out of the said rate.

5. The money so borrowed shall be applied in defraying the expense 15
 of making foot pavements or footways within the special paving district,
 and to no other purpose whatsoever; and the foot pavement formation rate
 shall not be liable for nor be assigned in security of the payment of any sums
 borrowed by the commissioners for any other purpose than the making of
 foot pavements or footways within the special paving district. 20

6. The commissioners shall, from time to time, out of the moneys to be
 raised by the foot pavement formation rate, or out of the moneys to be bor-
 rowed on the security thereof, as herein-before provided, make footways
 along the sides of the streets within the special paving district, and well and
 sufficiently pave the same with flat hewn or other stones, or construct the same 25
 in such other manner and form, and of such breadth, as the commissioners shall
 think proper.

7. The foot pavement formation rate shall, with interest thereon, at the rate of
 five pounds per centum per annum, from the time when the same shall be
 declared payable, and all expenses incurred in the recovery thereof, continue 30
 burdens on the lands or premises liable for the same or in respect of which the
 same shall be payable, but that only for three years from the date when the
 same shall be payable as against bonâ fide singular successors or heritable
 creditors: Provided that nothing herein contained shall affect the rights and
 remedies of superiors for the recovery of their feu duties and casualties. 35

8. The Act to be passed confirming this Provisional Order shall be con-
 strued and taken together with the General Act as one Act so far as the
 provisions of the General Act are consistent with this Provisional Order; and
 for that purpose the expression "this Act," when used in the General Act,
 shall be taken to include the Act to be passed as aforesaid; and words and 40
 expressions to which meanings are assigned by the General Act shall, when
 used in this Provisional Order, have the same respective meanings, unless there
 be something in the subject or context repugnant to such construction.

Given under my hand and seal this 26th day of February 1870.

H. A. BRUCE. (L.S.) 45

PERTH.

A.D. 1870.

General Police and Improvement (Scotland) Act, 1862.

WHEREAS by "The General Police and Improvement (Scotland) Act," 1862, (herein-after called "the recited Act,") it is inter alia enacted, clause 79, that

5 " Whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing this Act in any burgh or populous place

" that provision should be made in order the better to apply and execute

" therein the provisions of this Act, in whole or in part, or for the future

10 " application and execution of any Acts in force therein, having relation to the purposes of this Act, or to the roads or streets within such burgh or populous place, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh or

" populous place, or that any such Acts, or any exemptions from rating there-

15 " from derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered," the magistrates and council "may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal and alteration as aforesaid, or for any of such things, and such petition

20 " shall be supported by such evidence as the said Secretary requires," and that on the receipt of any such petition the Secretary of State may direct an inquiry in the district, and may issue a Provisional Order in relation to the several things mentioned in such petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to

25 him to be requisite :

And whereas the recited Act has been adopted in the royal burgh of Perth, and the magistrates and council of the said burgh are the commissioners of police for executing the recited Act in the said burgh (hereinafter called "the commissioners") :

30 And whereas a petition under the provisions of the recited Act has been presented to me as one of Her Majesty's Principal Secretaries of State by the commissioners, setting forth (1.) Clause 79 of the recited Act, before quoted : (2.) That by clause 161 of the recited Act it is enacted that "The commissioners may, at a meeting to be held for the purpose, resolve to acquire lands

35 " or premises within the burgh for the purpose of widening, enlarging or otherwise improving any of the streets, and they may resell any parts of such lands or premises which shall not be required for such purposes, and they may also drain, repair or otherwise improve courts and places where there may be doubt as to the liability of owners to execute such works ; and in

40 " localities within the burgh when houses or other buildings are, in the opinion of the commissioners, built too close to each other, or have become waste and ruinous, or are liable to other objections on sanitary grounds, it shall also be lawful to the commissioners to resolve to acquire lands or premises for the purpose of reserving them as vacant spaces or of improving the buildings or

45 " of otherwise disposing of them so as to improve the sanitary condition of such localities ; and the expense of such acquisitions and improvements shall be a

A.D. 1870. — “ charge against the general improvement rate herein-before authorized to be
 “ levied: Provided always, that the commissioners may resolve that the same
 “ shall be charged, as they are hereby empowered to do, against the police
 “ assessment:” (3.) That by clause 176 of the recited Act it is further enacted
 that “ It shall be lawful for the commissioners to agree with any person for 5
 “ the making of new streets for the public use through the lands and at the
 “ expense of such person, and to agree that such streets shall become and the
 “ same shall accordingly become, on completion, public streets to be maintained
 “ and repaired at the public expense, and it shall be lawful for the commis-
 “ sioners, with the consent of two-thirds of their number, to agree with such 10
 “ person to pay any portion of the expense of making such streets out of
 “ the police assessment, and accordingly to pay the same:” (4.) That it has
 long been contemplated to open a public street in Perth running from the
 bridge over the Tay on the north to the High Street on the south, immediately
 to the west of and adjoining the river Tay, having an open esplanade in front of 15
 the houses to be erected on the west side of the said street; but the execution
 of the work has hitherto been delayed from want of the necessary funds: (5.)
 That in the formation of such street it will be necessary to build retaining
 walls, and form embankments, and to a certain extent encroach on the bed of
 the river, and that a plan showing the proposed line of street as well as the 20
 present state of the locality, and a relative book of reference, were produced
 with the said petition and referred to: (6.) That by the Act thirty-first
 Victoria, cap. eleven, intituled “An Act to confirm certain Provisional
 “ Orders under the General Police and Improvement (Scotland) Act, 1862,
 “ relating to the burghs of Perth and Brechin,” a Provisional Order to 25
 enable the petitioners to form a line of street from the High Street to
 the South Street of Perth immediately to the west of and adjoining the
 river Tay, and of which the street proposed would be a continuation to
 the north, was confirmed, and the commissioners are now in course of con-
 structing the said street in virtue of the said Act: (7.) That in the line of the 30
 street proposed there are lands and premises of which Sir John Stewart
 Richardson, Baronet, of Pitfour, is or was the owner, and he has lately adver-
 tised these for sale by private bargain, and it is rumoured is in terms to sell or
 has sold the whole or the larger portion of the same to Mr. Alexander Speedie,
 fishmonger, Perth; that the buildings on the said lands are not of great value, so 35
 that the present is a suitable opportunity of acquiring the same at such a price
 as will be within the power of the commissioners to pay under the assessing
 powers vested in them by the recited Act; and that the premises in the
 line of the proposed street belonging to other owners than the said Sir John
 Stewart Richardson or Alexander Speedie are of small value: (8.) That if 40
 the powers of the recited Act were enlarged to the extent of enabling the
 commissioners to form the above line of street and to pay all costs and
 charges out of the general improvement rate of one penny in the pound or out
 of the police assessment, or both or either of these rates, authorized by the
 recited Act to be levied, it would be the means of enabling the commissioners 45
 to carry out in its entirety a line of street which would greatly add to the
 amenity of the burgh, and which otherwise would require to stand in

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abeyance: And the said petition prayed that a Provisional Order may be issued, providing that the commissioners may, at a meeting to be held for the purpose, resolve to acquire lands or premises, streets, accesses or vennels, within the said burgh, for the purpose of making a new street for the public use, from the Bridge of Perth on the north to the High Street on the south, and, where the said lands or premises adjoin the river Tay, that the commissioners may widen, enlarge and improve the said street or streets by means of embankments and retaining walls, and by shutting up or acquiring, where they judge necessary, all existing streets, accesses or vennels leading to the river, or otherwise, and that the commissioners might make the said new street, and resell any part of such lands or premises, streets, accesses or vennels so to be acquired by them, which shall not be required for such purpose: Provided always, that the commissioners shall make full compensation to the owners of the said lands or premises, streets, accesses or vennels, by paying them such sums as may be mutually agreed on as the valuation of the damage the owners may sustain by the acquirement of the said lands or premises, and by shutting up the said streets, accesses or vennels, or that the said compensation may be settled in the same manner as compensation for lands to be taken under the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," is directed to be settled, and that the said compensation and the expense of forming the said new street and the necessary embankments and retaining walls, and of acquiring and shutting up the said streets, vennels or accesses, or otherwise, should form a charge against the general improvement rate authorized to be imposed and levied under the recited Act; provided also, that the commissioners may resolve that the same or any part thereof should also be charged, as they were thereby empowered at any time to do, against the police assessment, and that the commissioners may at any time charge both rates, in proportions to be resolved on, with payment of the sums to be borrowed; and further, that it should be lawful for the commissioners to put in force the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," in regard to the purchase and taking of lands by agreement, or otherwise than by agreement, with reference to the lands or premises, streets, accesses or vennels delineated and described as aforesaid:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof in so far as it relates to the formation of a public street in Perth, running from the bridge over the Tay on the north to the High Street on the south, immediately to the west of and adjoining the river Tay, and to the acquiring of lands, premises, streets, accesses and vennels, and the charging of the expenses to be incurred for that purpose; and plans of the said lands, premises, streets, accesses and vennels proposed to be taken, and a book of reference thereto, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, premises, streets, accesses and vennels, have been signed by me with reference to this Order, and have been deposited with the sheriff clerk of the county of Perth at his office in Perth:

Now, therefore, in pursuance of the powers vested in me by the recited Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Order

A.D. 1870. under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same :
—

1.—Notwithstanding the terms of clauses 161 and 176 of the recited Act, the commissioners may, at a meeting to be held for the purpose in terms of the recited Act, resolve to acquire the lands, premises, streets, accesses and vennels 5 within the said burgh delineated on the plan and described in the book of reference herein-before mentioned, for the purpose of making a new street for the public use from the Bridge of Perth on the north to the High Street on the south, and, where the said lands or premises adjoin the river Tay, including the widening, enlarging and improving the said street or streets by means of embankments and retaining walls, and shutting up or acquiring, where they judge necessary, all existing streets, accesses or vennels leading to the river or otherwise, and making the said new street, and reselling any part of such lands or premises, streets, accesses or vennels so to be acquired by them which shall not be required by them for such purpose : Provided always, that the commis- 10 sioners shall make full compensation to the owners, lessees and occupiers of the said lands, premises, streets, accesses or vennels, by paying them such sums as may be mutually agreed on as the valuation of the damage such owners, lessees and occupiers may sustain by the acquirement of the said lands or premises and by shutting up the said streets, accesses or vennels, or, failing 20 such agreement, that the said compensation shall be settled in the same manner as compensation for lands to be taken is directed to be settled under the provisions of “ The Lands Clauses Consolidation (Scotland) Act, 1845 ;” and the said compensation and the expense of forming the said new street and the necessary embankments and retaining walls, and of acquiring and shutting up 25 the said streets, vennels or accesses or otherwise, shall be a charge against the general improvement rate authorized to be imposed and levied under the recited Act ; provided also, that the commissioners may resolve that the same or any part thereof shall be charged, as they are hereby empowered to do, against the police assessment authorized to be imposed and levied under the 30 recited Act.

2.—It shall be lawful for the commissioners to put in force the provisions of “ The Lands Clauses Consolidation (Scotland) Act, 1845,” and “ The Lands Clauses Consolidation Acts Amendment Act, 1860,” with respect to the purchase and taking of lands otherwise than by agreement, with reference to the 35 lands, premises, streets, accesses and vennels delineated on the said plan, and described in the said book of reference as aforesaid.

3.—With reference to this Order the following expressions in “ The Lands Clauses Consolidation (Scotland) Act, 1845,” and “ The Lands Clauses Consolidation Acts Amendment Act, 1860,” shall have the meanings hereby 40 assigned to them ; that is to say, the expression “ promoters of the undertaking ” shall mean the commissioners, and the expression “ the special Act ” shall mean this Order and the Act confirming the same ; and the word “ lands ” in this Order shall have the meaning assigned to it in “ The Lands Clauses Consolidation (Scotland) Act, 1845.” 45

4.—Sections 11, 12, and 13 of “ The Harbours, Docks and Piers Clauses Act, 1847,” and sections 13, 18, and 19 of “ The Railways Clauses Act, 1863,”

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are incorporated with and form part of this Order; and in construing the said sections as incorporated with this Order, the words "undertakers" and "company" respectively shall mean the commissioners, the expression "harbour, dock, or pier," and the word "work" respectively shall mean the works authorized by this Order, and delineated on the said plan, and the expression "the special Act" shall mean this Order and the Act confirming the same.

5.—Nothing contained in this Order, or in any of the Acts herein referred to or herewith incorporated, shall authorize the commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the river Tay, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her crown, without the previous consent in writing of the Board of Trade, on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Order or the said Acts contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

6.—Nothing in this Order contained or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers or authorities mentioned or reserved by sections 20, 21, and 22 of "The Crown Lands Act, 1866."

Given under my hand and seal at Whitehall, this 2nd day of April 1870.

H. A. BRUCE. (L.S.)

LEITH.

General Police and Improvement (Scotland) Act, 1862.

25 WHEREAS the police of the burgh of Leith is regulated by "The General Police and Improvement (Scotland) Act, 1862," "The General Police and Improvement (Scotland) Supplemental Act, 1862," and "The Leith Municipal and Police Act, 1848:"

30 And whereas a petition under the provisions of "The General Police and Improvement (Scotland) Act, 1862" has been presented to me as one of Her Majesty's Principal Secretaries of State by the provost, magistrates and council of the said burgh as commissioners of police of the said burgh under the said Act, praying that, after the inquiry directed by the said Act, a Provisional Order may be issued for regulating the future application and execution of the said Acts within the said burgh and for improving the sanitary condition thereof:

35 And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof in so far as relates to the matters herein-after specified:

40 Now therefore, in pursuance of the powers vested in me by "The General Police and Improvement (Scotland) Act, 1862," I, as one of Her Majesty's Principal Secretaries of State, do by this Order direct that, as regards the burgh of Leith, from and after the passing of any Act of Parliament confirming the same:

[147.]

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1.—Words and expressions to which meanings are assigned in “The General Police and Improvement (Scotland) Act, 1862,” shall, when used in this Order, have the same respective meanings; and the following words and expressions in this Order shall have the meanings hereby assigned to them,—

“General Police Act” shall mean “The General Police and Improvement (Scotland) Act, 1862:”

“The Commissioners” shall mean the magistrates and council of the burgh of Leith as Commissioners of Police under the General Police Act:

“The burgh” shall mean the burgh of Leith.

2.—The provisions contained in clauses 170, 171, 172 and 173 of the General Police Act shall be and are hereby made applicable to the width of new streets to be made or laid out in the burgh after the passing of the Act confirming this Order in the same manner and to the same extent and effect as the said clauses are applicable to the level of such streets.

3.—The notices of intended rates or assessments to be given under clause 106 of the General Police Act may either be sent through the Post Office as therein provided, or be delivered to or left for the person assessed on the premises in respect of which the rate or assessment is made, at least two weeks preceding the day which may be fixed for hearing the appeal of such person; and such notices may contain and include the assessments or notice of the assessments for police purposes and any one or more of the other rates or assessments to be imposed or levied by the Commissioners under the General Police Act, as they think fit.

4.—The Commissioners may make agreements for the ventilation of sewers and drains with the owner or occupier of any manufactory, gaswork, brewery or other premises having furnaces and chimney shafts so situate as to be available for that purpose; and the Commissioners may from time to time purchase and acquire by agreement lands or premises for the construction of and may construct such ventilating shafts, furnaces and other works as they consider necessary for the efficient ventilation of the existing sewers and drains in the burgh, or of such sewers or drains as may be constructed under the authority of the General Police Act; and in the execution of this provision the Commissioners shall have and may exercise all the powers conferred upon them by that Act with reference to the construction of sewers and drains; and all costs and expenses which may be incurred by the Commissioners in carrying this provision into effect may form a charge against the general sewer rate or against any special sewer rate leviable under the General Police Act, as the Commissioners may determine, or, if they think fit, such costs and expenses may be charged against the police assessment leviable under the General Police Act.

5.—The Commissioners having provided slaughterhouses in the burgh under the powers of the General Police Act, it shall be lawful to slaughter cattle or beasts in the said slaughterhouses or in any other slaughterhouses which may be provided by the Commissioners, and to scald or dress therein the carcass of any slaughtered cattle or beast; and every person who after the passing of the Act confirming this Order slaughters or causes to be slaughtered any cattle or beast, or scalds or dresses or causes to be scalded or dressed the carcass of

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any slaughtered cattle or beast within the burgh elsewhere than within the said existing slaughterhouses, or any other slaughterhouses which may be provided by the Commissioners, shall be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding Five pounds; and, to
5 prevent evasion of the use of the said slaughterhouses, every person who after the passing of the last-mentioned Act exposes for sale within the burgh the carcass or part of the carcass of any cattle or beast slaughtered beyond the boundaries of the burgh shall, on such carcass or part of a carcass being exposed for sale, be liable in payment to the Commissioners or their collector of
10 rates or assessments for the time being of the same dues as shall at the time be leviable for or in respect of cattle or beasts slaughtered in the said slaughterhouses by or for persons not paying rent for a stall or booth or part of a stall or booth therein; but such dues shall not be payable for or in respect of the carcass or part of the carcass of any beast or cattle slaughtered beyond the
15 said boundaries which shall be brought within the burgh for direct shipment from or transit through the burgh, and which has not been exposed for sale within the burgh; and the Commissioners may demand and take for the use of the said existing slaughterhouses or any other slaughterhouses which may be provided by them, such reasonable rates or sums as may be agreed
20 on and fixed between them and the persons using the same, and in case of difference as to the rates or sums to be demanded and taken for the use of the said slaughterhouses, the same shall, on the application of either party and after seven days previous notice to the other party of such intended application, be fixed and determined by the Sheriff in a summary manner without written
25 pleadings, and the decision of the Sheriff shall be final; and from and after the passing of the Act confirming this Order clause 363 of the General Police Act shall cease to be applicable to and shall not be in force within the burgh.

Given under my hand and seal at Whitehall, this 21st day of May 1870.

H. A. BRUCE. (L.S.)

General Police and Improvement (Scotland) Supplemental.

A

B I L L

To confirm Provisional Orders under
“The General Police and Improvement (Scotland) Act, 1862,” relating
to the Burghs of Dunfermline, Perth,
and Leith.

*(Prepared and brought in by
The Lord Advocate and Mr. Adam.)*

*Ordered, by The House of Commons, to be Printed,
26 May 1870.*

[Bill 147.]

Under 2 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm Provisional Orders under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burghs of Dunfermline and Perth. A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Orders which
5 are contained in the Schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Orders should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and
10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Orders contained in the Schedule to this Act annexed shall be and are hereby confirmed, and all the provisions
15 thereof shall, from and after the passing of this Act, be valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation of Provisional Orders.

2. This Act may be cited as "The General Police and Improvement (Scotland) Supplemental Act, 1870." Short title.

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SCHEDULE referred to in this Act.

DUNFERMLINE.

General Police and Improvement (Scotland) Act, 1862.

WHEREAS "The General Police and Improvement (Scotland) Act, 1862," herein-after referred to as the "General Act," has been adopted in whole in the 5 royal burgh of Dunfermline :

And whereas it is by the General Act, inter alia, enacted (clause 79) that "whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing this Act in any burgh or populous place, that provision should be 10 "made in order the better to apply and execute therein the provisions of this "Act, in whole or part, or for the future application and execution of any "Acts in force therein, having relation to the purposes of this Act, or to the "roads or streets within such burgh or populous place, or to any other matter "or thing connected with the management and administration of the municipal 15 "or police affairs of such burgh or populous place, or that any such Acts, or any "exemptions from rating therefrom derived, or that any Provisional Order or "Order in Council applying this Act, hereby authorized to be made, should "be wholly or partially repealed or altered," "the magistrates and council "or the commissioners of any burgh, or the magistrates and councils or com- 20 "missioners of contiguous burghs, as the case may be, may present a petition "to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal and alteration as aforesaid, or for any of such things, and such "petition shall be supported by such evidence as the said Secretary requires :"

And whereas, since the adoption of the General Act in the said burgh 25 of Dunfermline, the boundaries of the royalty of the said burgh have been extended under the provisions of the Act 20 and 21 Victoria, chapter 70, intituled "An Act to provide for the extension of the boundaries of burghs "in Scotland, and to remove doubts as to the right of certain persons holding "offices to be registered as voters for municipal purposes," by which last- 30 mentioned Act it is, inter alia, enacted (section 3.), that the boundaries of the burgh, as extended under the provisions thereof, shall "be the boundaries "of the burgh for all municipal purposes only, including the right of voting "for town councillors and all matters connected with police, and the district "comprehended within such boundaries shall cease to belong to or form part 35 "of the county in which it is locally situated, and shall belong to and form "part of such burgh as regards all local purposes, rights and obligations :"

And whereas it is expedient that provision should be made for making foot pavements within the districts annexed to and comprehended within the said burgh of Dunfermline by the foresaid extension of the boundaries thereof, by 40 means of an assessment or rate to be levied from the owners of lands or premises therein :

And whereas a petition, under the provisions of the General Act, has been presented to me as one of Her Majesty's Principal Secretaries of State, by the magistrates and council of the said burgh, as commissioners of police under 45

the General Act, praying that a Provisional Order may be issued in the terms and to the effect after expressed : A.D. 1870.

And whereas due inquiry has been directed and held in respect of the matters mentioned in the said petition :

5 Now, therefore, in pursuance of the powers vested in me by the General Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

1. The districts annexed to and comprehended within the royal burgh of
10 Dunfermline by the foresaid extension of the boundaries thereof, shall be and are hereby formed into one paving district, for the purpose of making footways or foot pavements therein, which district shall, for the purposes of this Provisional Order, be called the "special paving district."

2. All foot pavements and footways within the special paving district, whether
15 existing at the time when this Provisional Order shall come into force, or made at any time thereafter (except foot pavements or footways within the private property of any person made and used as of private right by any person or persons for his or their own benefit, or for the benefit of proprietors or shareholders of any company), shall vest in and belong to and be entirely under the
20 management and control of the commissioners; but the commissioners shall be bound to make such compensation to the owners of lands or premises opposite which foot pavements or footways have been made by such owners, as shall be agreed upon between the commissioners and such owners respectively, or, failing agreement, as shall be determined by two persons of skill as arbiters, one to be
25 named by the commissioners and the other by such owners respectively, or by an oversman to be named by such arbiters in the event of their differing in opinion, the said arbiters or oversman having regard to the cost of making and to the sufficiency of such foot pavements or footways; and in the event of any such owner refusing or delaying to appoint an arbiter, it shall be competent to the
30 commissioners to apply to the sheriff to fix such compensation.

3. It shall be lawful for the commissioners from time to time to charge the owners of all the lands or premises within the special paving district, according to the yearly rent or value of such lands or premises as fixed by the valuation roll in force for the time, made up and completed in terms of the Acts for the valuation
35 of lands and heritages in Scotland, with an assessment or rate for making foot pavements or footways within the special paving district, over and above any other assessment or rates to which such persons may be liable under the General Act, and which assessment or rate shall, for the purposes of this Order, be called the "foot pavement formation rate," and shall be leviable either from the
40 owner or occupier of such lands or premises; but the occupier shall be entitled, on payment thereof, to deduct the same from his rent; and such rate, so far as the occupier is concerned, shall be recoverable in such and the like manner as the police assessment is authorized to be recovered under the provisions of the General Act.

4. It shall be lawful for the commissioners to borrow for the purpose of making such foot pavements or footways, and on the security of the foot pavement formation rate, such sums of money, and at such times, as the

A.D. 1870. commissioners shall deem necessary for that purpose, and for the purpose of paying off monies so borrowed otherwise than by means of the sinking fund, and to assign the foot pavement formation rate in security of the money to be so borrowed; and the provisions of the General Act (part VI., section 2.) with respect to the borrowing of money, and the granting of bonds therefor, 5 and the transference and recording of such bonds, and the appropriation, setting apart and investment of a sinking fund, shall be applicable to the borrowing of money for the purpose of making foot pavements or footways within the special paving district; and the bonds to be granted for the money so to be borrowed shall, mutatis mutandis, be in the form, as near as may be, set forth 10 in the General Act of bonds to be granted for money borrowed for the purposes of the General Act, and shall constitute a lien over the foot pavement formation rate thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the commissioners and their officers out of the said rate.

5. The money so borrowed shall be applied in defraying the expense 15 of making foot pavements or footways within the special paving district, and to no other purpose whatsoever; and the foot pavement formation rate shall not be liable for nor be assigned in security of the payment of any sums borrowed by the commissioners for any other purpose than the making of foot pavements or footways within the special paving district. 20

6. The commissioners shall, from time to time, out of the moneys to be raised by the foot pavement formation rate, or out of the moneys to be borrowed on the security thereof, as herein-before provided, make footways along the sides of the streets within the special paving district, and well and sufficiently pave the same with flat hewn or other stones, or construct the same 25 in such other manner and form, and of such breadth, as the commissioners shall think proper.

7. The foot pavement formation rate shall, with interest thereon, at the rate of five pounds per centum per annum, from the time when the same shall be declared payable, and all expenses incurred in the recovery thereof, continue 30 burdens on the lands or premises liable for the same or in respect of which the same shall be payable, but that only for three years from the date when the same shall [be payable as against bonâ fide singular successors or heritable creditors: Provided that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties and casualties. 35

8. The Act to be passed confirming this Provisional Order shall be construed and taken together with the General Act as one Act so far as the provisions of the General Act are consistent with this Provisional Order; and for that purpose the expression "this Act," when used in the General Act, shall be taken to include the Act to be passed as aforesaid; and words and 40 expressions to which meanings are assigned by the General Act shall, when used in this Provisional Order, have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Given under my hand and seal this 26th day of February 1870.

H. A. BRUCE. (L.S.) 45

PERTH.

A.D. 1870.

General Police and Improvement (Scotland) Act, 1862.

WHEREAS by "The General Police and Improvement (Scotland) Act," 1862, (herein-after called "the recited Act,") it is inter alia enacted, clause 79, that

5 " Whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing this Act in any burgh or populous place that provision should be made in order the better to apply and execute therein the provisions of this Act, in whole or in part, or for the future

10 " application and execution of any Acts in force therein, having relation to the purposes of this Act, or to the roads or streets within such burgh or populous place, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh or populous place, or that any such Acts, or any exemptions from rating there-

15 " from derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered," the magistrates and council "may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal and alteration as aforesaid, or for any of such things, and such petition

20 " shall be supported by such evidence as the said Secretary requires," and that on the receipt of any such petition the Secretary of State may direct an inquiry in the district, and may issue a Provisional Order in relation to the several things mentioned in such petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to

25 him to be requisite :

And whereas the recited Act has been adopted in the royal burgh of Perth, and the magistrates and council of the said burgh are the commissioners of police for executing the recited Act in the said burgh (hereinafter called "the commissioners") :

30 And whereas a petition under the provisions of the recited Act has been presented to me as one of Her Majesty's Principal Secretaries of State by the commissioners, setting forth (1.) Clause 79 of the recited Act, before quoted. (2.) That by clause 161 of the recited Act it is enacted that "The commissioners may, at a meeting to be held for the purpose, resolve to acquire lands

35 " or premises within the burgh for the purpose of widening, enlarging or otherwise improving any of the streets, and they may resell any parts of such lands or premises which shall not be required for such purposes, and they may also drain, repair or otherwise improve courts and places where there may be doubt as to the liability of owners to execute such works ; and in

40 " localities within the burgh when houses or other buildings are, in the opinion of the commissioners, built too close to each other, or have become waste and ruinous, or are liable to other objections on sanitary grounds, it shall also be lawful to the commissioners to resolve to acquire lands or premises for the purpose of reserving them as vacant spaces or of improving the buildings or

45 " of otherwise disposing of them so as to improve the sanitary condition of such localities ; and the expense of such acquisitions and improvements shall be a

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“ charge against the general improvement rate herein-before authorized to be
 “ levied: Provided always, that the commissioners may resolve that the same
 “ shall be charged, as they are hereby empowered to do, against the police
 “ assessment:” (3.) That by clause 176 of the recited Act it is further enacted
 that “ It shall be lawful for the commissioners to agree with any person for 5
 “ the making of new streets for the public use through the lands and at the
 “ expense of such person, and to agree that such streets shall become and the
 “ same shall accordingly become, on completion, public streets to be maintained
 “ and repaired at the public expense, and it shall be lawful for the commis-
 “ sioners, with the consent of two-thirds of their number, to agree with such 10
 “ person to pay any portion of the expense of making such streets out of
 “ the police assessment, and accordingly to pay the same:” (4.) That it has
 long been contemplated to open a public street in Perth running from the
 bridge over the Tay on the north to the High Street on the south, immediately
 to the west of and adjoining the river Tay, having an open esplanade in front of 15
 the houses to be erected on the west side of the said street; but the execution
 of the work has hitherto been delayed from want of the necessary funds: (5.)
 That in the formation of such street it will be necessary to build retaining
 walls, and form embankments, and to a certain extent encroach on the bed of
 the river, and that a plan showing the proposed line of street as well as the 20
 present state of the locality, and a relative book of reference, were produced
 with the said petition and referred to: (6.) That by the Act thirty-first
 Victoria, cap. eleven, intituled “ An Act to confirm certain Provisional
 “ Orders under the General Police and Improvement (Scotland) Act, 1862,
 “ relating to the burghs of Perth and Brechin,” a Provisional Order to 25
 enable the petitioners to form a line of street from the High Street to
 the South Street of Perth immediately to the west of and adjoining the
 river Tay, and of which the street proposed would be a continuation to
 the north, was confirmed, and the commissioners are now in course of con-
 structing the said street in virtue of the said Act: (7.) That in the line of the 30
 street proposed there are lands and premises of which Sir John Stewart
 Richardson, Baronet, of Pitfour, is or was the owner, and he has lately adver-
 tised these for sale by private bargain, and it is rumoured is in terms to sell or
 has sold the whole or the larger portion of the same to Mr. Alexander Speedie,
 fishmonger, Perth; that the buildings on the said lands are not of great value, so 35
 that the present is a suitable opportunity of acquiring the same at such a price
 as will be within the power of the commissioners to pay under the assessing
 powers vested in them by the recited Act; and that the premises in the
 line of the proposed street belonging to other owners than the said Sir John
 Stewart Richardson or Alexander Speedie are of small value: (8.) That if 40
 the powers of the recited Act were enlarged to the extent of enabling the
 commissioners to form the above line of street and to pay all costs and
 charges out of the general improvement rate of one penny in the pound or out
 of the police assessment, or both or either of these rates, authorized by the
 recited Act to be levied, it would be the means of enabling the commissioners 45
 to carry out in its entirety a line of street which would greatly add to the
 amenity of the burgh, and which otherwise would require to stand in

abeyance: And the said petition prayed that a Provisional Order may be issued, providing that the commissioners may, at a meeting to be held for the purpose, resolve to acquire lands or premises, streets, accesses or vennels, within the said burgh, for the purpose of making a new street for the public

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5 use, from the Bridge of Perth on the north to the High Street on the south, and, where the said lands or premises adjoin the river Tay, that the commissioners may widen, enlarge and improve the said street or streets by means of embankments and retaining walls, and by shutting up or acquiring, where they judge necessary, all existing streets, accesses or vennels leading to the river, or
10 otherwise, and that the commissioners might make the said new street, and resell any part of such lands or premises, streets, accesses or vennels so to be acquired by them, which shall not be required for such purpose: Provided always, that the commissioners shall make full compensation to the owners of the said lands or premises, streets, accesses or vennels, by paying them such sums
15 as may be mutually agreed on as the valuation of the damage the owners may sustain by the acquirement of the said lands or premises, and by shutting up the said streets, accesses or vennels, or that the said compensation may be settled in the same manner as compensation for lands to be taken under the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," is
20 directed to be settled, and that the said compensation and the expense of forming the said new street and the necessary embankments and retaining walls, and of acquiring and shutting up the said streets, vennels or accesses, or otherwise, should form a charge against the general improvement rate authorized to be imposed and levied under the recited Act; provided also, that the commis-
25 sioners may resolve that the same or any part thereof should also be charged, as they were thereby empowered at any time to do, against the police assessment, and that the commissioners may at any time charge both rates, in proportions to be resolved on, with payment of the sums to be borrowed; and further, that it should be lawful for the commissioners to put in force the provisions of
30 "The Lands Clauses Consolidation (Scotland) Act, 1845," in regard to the purchase and taking of lands by agreement, or otherwise than by agreement, with reference to the lands or premises, streets, accesses or vennels delineated and described as aforesaid:

And whereas due inquiry having been directed and held in respect of the
35 matters mentioned in the said petition, I have resolved to grant the prayer thereof in so far as it relates to the formation of a public street in Perth, running from the bridge over the Tay on the north to the High Street on the south, immediately to the west of and adjoining the river Tay, and to the acquiring of lands, premises, streets, accesses and vennels, and the charging
40 of the expenses to be incurred for that purpose; and plans of the said lands, premises, streets, accesses and vennels proposed to be taken, and a book of reference thereto, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, premises, streets, accesses and vennels, have been signed by me with reference to this Order, and have been
45 deposited with the sheriff clerk of the county of Perth at his office in Perth:

Now, therefore, in pursuance of the powers vested in me by the recited Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Order

A.D. 1870. under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same :

1.—Notwithstanding the terms of clauses 161 and 176 of the recited Act, the commissioners may, at a meeting to be held for the purpose in terms of the recited Act, resolve to acquire the lands, premises, streets, accesses and vennels 5 within the said burgh delineated on the plan and described in the book of reference herein-before mentioned, for the purpose of making a new street for the public use from the Bridge of Perth on the north to the High Street on the south, and, where the said lands or premises adjoin the river Tay, including the widening, enlarging and improving the said street or streets by means of embankments and retaining walls, and shutting up or acquiring, where they judge necessary, all existing streets, accesses or vennels leading to the river or otherwise, and making the said new street, and reselling any part of such lands or premises, streets, accesses or vennels so to be acquired by them which shall not be required by them for such purpose : Provided always, that the commissioners shall make full compensation to the owners, lessees and occupiers of the said lands, premises, streets, accesses or vennels, by paying them such sums as may be mutually agreed on as the valuation of the damage such owners, lessees and occupiers may sustain by the acquirement of the said lands or premises and by shutting up the said streets, accesses or vennels, or, failing 20 such agreement, that the said compensation shall be settled in the same manner as compensation for lands to be taken is directed to be settled under the provisions of “ The Lands Clauses Consolidation (Scotland) Act, 1845 ;” and the said compensation and the expense of forming the said new street and the necessary embankments and retaining walls, and of acquiring and shutting up 25 the said streets, vennels or accesses or otherwise, shall be a charge against the general improvement rate authorized to be imposed and levied under the recited Act ; provided also, that the commissioners may resolve that the same or any part thereof shall be charged, as they are hereby empowered to do, against the police assessment authorized to be imposed and levied under the 30 recited Act.

2.—It shall be lawful for the commissioners to put in force the provisions of “ The Lands Clauses Consolidation (Scotland) Act, 1845,” and “ The Lands Clauses Consolidation Acts Amendment Act, 1860,” with respect to the purchase and taking of lands otherwise than by agreement, with reference to the 35 lands, premises, streets, accesses and vennels delineated on the said plan, and described in the said book of reference as aforesaid.

3.—With reference to this Order the following expressions in “ The Lands Clauses Consolidation (Scotland) Act, 1845,” and “ The Lands Clauses Consolidation Acts Amendment Act, 1860,” shall have the meanings hereby 40 assigned to them ; that is to say, the expression “ promoters of the undertaking ” shall mean the commissioners, and the expression “ the special Act ” shall mean this Order and the Act confirming the same ; and the word “ lands ” in this Order shall have the meaning assigned to it in “ The Lands Clauses Consolidation (Scotland) Act, 1845.” 45

4.—Sections 11, 12, and 13 of “ The Harbours, Docks and Piers Clauses Act, 1847,” and sections 13, 18, and 19 of “ The Railways Clauses Act, 1863,”

A.D. 1870.

are incorporated with and form part of this Order; and in construing the said sections as incorporated with this Order, the words "undertakers" and "company" respectively shall mean the commissioners, the expression "harbour, dock, or pier," and the word "work" respectively shall mean the works
5 authorized by this Order, and delineated on the said plan, and the expression "the special Act" shall mean this Order and the Act confirming the same.

5.—Nothing contained in this Order, or in any of the Acts herein referred to or herewith incorporated, shall authorize the commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the river
10 Tay, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her crown, without the previous consent in writing of the Board of Trade, on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Order or the said Acts contained extend to take away, prejudice, diminish or alter any of the estates, rights,
15 privileges, powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

6.—Nothing in this Order contained or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers or authorities mentioned or reserved by sections 20, 21, and 22 of "The
20 Crown Lands Act, 1866."

Given under my hand and seal at Whitehall, this 2nd day of April 1870.

H. A. BRUCE. (L.S.)

General Police and Improvement (Scotland) Supplemental.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To confirm Provisional Orders under
“The General Police and Improvement (Scotland) Act, 1862,” relating
to the Burghs of Dunfermline and
Perth.

*(Prepared and brought in by
The Lord Advocate and Mr. Adam.)*

*Ordered, by The House of Commons, to be Printed
17 June 1870.*

[Bill 173.]

Under 2 oz.

A

B I L L

TO

Amend the Act of the first and second years of the reign of His late Majesty King William the Fourth, chapter thirty-three, in part, and to afford facilities for obtaining Loans for the erection, enlargement, and improvement of Glebe Houses, and for the acquirement of lands for Glebes, in Ireland.

A.D. 1870.

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King William the Fourth, intituled "An Act for the extension and "promotion of public works in Ireland," it was amongst other things enacted, that it should and might be lawful for the Commissioners of Public Works acting in the execution of the said Act to make loans or advances for works on security, by writing obligatory alone, upon the terms and conditions in the said Act mentioned :

Preamble.

And whereas it is expedient to afford facilities for obtaining loans for the erection, enlargement, and improvement of glebe houses, and for the acquirement of lands for glebes, in Ireland :

And whereas for the purposes aforesaid it is expedient to amend the said recited Act and to authorise the said Commissioners of Public Works in Ireland to make loans to the amount, upon the security, and in the manner by this Act authorised :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

1. This Act may be cited for all purposes as "The Glebe Loan (Ireland) Act, 1870."

Short title.

2. In this Act—

The term "ecclesiastical person" means and includes any archbishop, bishop, clergyman, priest, curate, or minister of any religious denomination whatsoever :

Interpretation :
"Ecclesiastical person."

[Bill 222.]

- A.D. 1870. The term "work" means the erection, enlargement, or improvement of any dwelling house for any ecclesiastical person having spiritual charge of any parish or district in which such work is executed, or permanently officiating in any church or chapel within such parish or district : 5
- "Work :"
- "Glebe :"
- The term "glebe" means any piece or parcel of land, not exceeding in the whole *ten acres*, occupied or to be occupied by any ecclesiastical person while having spiritual charge of any parish or district in respect of which such glebe shall be purchased or acquired. 10
- The Commissioners of Public Works may make advances to such amounts as may be sanctioned.
3. Notwithstanding anything in the said Act of the first and second years of the reign of His late Majesty King William the Fourth, chapter thirty-three, it shall be lawful for the Commissioners of Public Works in Ireland, during the continuance of this Act, with the sanction of the Commissioners of Her Majesty's Treasury, 15 out of moneys issued to them or to be issued to them in pursuance of the provisions of the several Acts in the schedule to this Act annexed mentioned, to make loans to any person or persons of such sums as the said Commissioners of Public Works may think right and proper, upon the security and subject to the conditions by 20 this Act authorised for all or any of the purposes following ; (that is to say,)
1. The execution of any work.
 2. The purchase of any glebe.
 3. The discharge of any debt due and incurred before the passing 25 of this Act in the purchase of any dwelling house for any ecclesiastical person having spiritual charge of the parish or district in which such dwelling house is situate, or permanently officiating in any church or chapel within such parish or district, or in the purchase of any glebe. 30
4. The person or persons to whom such loans shall be granted for the execution of any work shall previously expend, secure, or deposit, in such manner as the said Commissioners of Public Works shall direct, a sum equal to not less than *one fourth* of the estimated cost of the construction of the proposed work ; and no person 35 or persons shall, for the purpose of purchasing any glebe or discharging any debt incurred before the passing of this Act in the purchase of any glebe be granted by way of loan a sum greater than *three fourths* of the purchase money to be paid or already paid for such glebe. 40
5. The repayment of every loan which shall be made under the provisions of this Act for the purpose of executing any work, or discharging any debt incurred before the passing of this Act in the
- One fourth of estimated cost of work to be secured.
- Loan only to amount to three quarters of purchase money of glebe.
- Security for repayment of loan for work.

purchase of any dwelling house for any ecclesiastical person as aforesaid, shall be secured by mortgage, bond, or otherwise, as the said Commissioners of Public Works, with the approval of the Commissioners of Her Majesty's Treasury, may think right; and every
 5 such security other than a mortgage shall be entered into by at least three persons, the sufficiency and solvency of which persons shall be made out to the satisfaction of the said Commissioners of Public Works, and shall be subject to such conditions as the said Commissioners of Public Works, with such approval as aforesaid, shall deem
 10 to be proper.

A.D. 1870.

6. Every loan which shall be made under the provisions of this Act for the purchase of any glebe or the discharge of any debt incurred before the passing of this Act in the purchase of any glebe shall be repaid by the payment of an annual rentcharge of the
 15 amount and for the time herein-after mentioned, and every such glebe shall be deemed to be and shall be well charged with the payment of such rentcharge, and that in priority of all charges and incumbrances whatsoever, save and except quitrents and rentcharges in lieu of tithes, and also save and except all charges prior in date,
 20 if any, existing under or by virtue of any of the Acts mentioned in the schedule to this Act annexed; and all the provisions of the Act passed in the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, as to the recovery of rentcharges payable thereunder, shall extend and apply to the recovery of
 25 rentcharges charged under the provisions of this Act upon glebes.

Security for
 repayment of
 loan for
 glebe.

7. Every loan which shall be made under the provisions of this Act shall be repaid by the payment to Her Majesty of an annual sum of *five pounds* for every one hundred pounds of such loan from time to time advanced, and so on in proportion for any lesser
 30 amount, and to be payable for the term of *thirty-five* years, to be computed from the fifth day of April or tenth day of October which shall next happen after the advance in respect of which the said annual sum shall be charged, such annual sum to be paid by equal half-yearly payments on the fifth day of April and tenth day of
 35 October in every year, the first of such payments to be made on the second of such days which shall happen next after the issue of any such advance in respect of which the said annual sum shall be charged: Provided always, that the amount of such annual sum may, by agreement, and with the sanction of the Commissioners of
 40 Her Majesty's Treasury, be increased to such amount as will repay the sum so advanced sooner than the said period of thirty-five years herein-before appointed.

Loan to be
 repaid by
 annuity.
 29 & 30 Vict.
 c. 40. s. 3.

The rent-
 charge may
 be increased
 so as to pay
 off sum
 advanced
 sooner than
 time ap-
 pointed.

A.D. 1870. 8. This Act shall continue in operation until the first day of
 Duration of September one thousand eight hundred and seventy-five.
 Act.

SCHEDULE.

1 & 2 Will. 4. c. 33.
 10 & 11 Vict. c. 32.
 12 Vict. c. 23.
 13 & 14 Vict. c. 31.
 29 & 30 Vict. c. 40.

5

Glebe Loan (Ireland).

A

BILL

To amend the Act of the first and second years of the reign of His late Majesty King William the Fourth, chapter thirty-three, in part, and to afford facilities for obtaining Loans for the erection, enlargement, and improvement of Glebe Houses, and for the acquirement of lands for Glebes, in Ireland.

(*Prepared and brought in by*
Mr. Clive Fortescue, Mr. Stansfeld, and
Mr. Solator General for Ireland.)

Ordered, by The House of Commons, to be Printed,
18 July 1870.

[Bill 222.]

Under 1 oz.

A
B I L L

TO

Amend the Law relating to the repayment to the Consolidated Fund of money expended for the benefit of Greenwich Hospital. A.D. 1870.

WHEREAS it is expedient that the amount expended out of money provided by Parliament for the benefit of Greenwich Hospital should be repaid out of the revenue of Greenwich Hospital to the Consolidated Fund, so far as may be, quarterly instead of yearly :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Greenwich Hospital Act, 1870, and this Act and the Greenwich Hospital Acts, 1865 and 1869, shall be construed as one Act and may be cited together as The Greenwich Hospital Acts, 1865 to 1870. Short title and construction.

2. Section fifty-one of The Greenwich Hospital Act, 1865, is hereby repealed, and in place thereof the following words shall be deemed to be section fifty-one of that Act, and may be hereafter printed as forming portion thereof in place of the section hereby repealed, and The Greenwich Hospital Act, 1865, shall be construed as if section fifty-one thereof had been originally expressed in the following words, that is to say :

Her Majesty's Paymaster General shall, under the direction of the Admiralty, pay from the Greenwich Hospital income account into the receipt of Her Majesty's Exchequer as soon as may be after the first of April, first of July, first of October, and first of January in every year, a sum about equal to one fifth of the total amount of money provided by Parliament for the purposes of the Greenwich Hospital Acts, 1865 and 1869, during that year, and as soon as may be after the receipt by the Admiralty of the certificate furnished by the Comptroller and Auditor General of the amount expended in the

[Bill 229.]

A.D. 1870. said year out of money so provided, the sum (if any) by which the amount stated in such certificate exceeds the amount of the four quarterly sums paid within the said year in pursuance of this section.

If the amount stated in such certificate is less than the amount 5 of the said four quarterly sums, Her Majesty's Paymaster General shall forthwith, under the direction of the Commissioners of Her Majesty's Treasury, pay the sum by which it is so less out of the growing produce of the Consolidated Fund to the credit of the Greenwich Hospital income account.



Greenwich Hospital.

A

B I L L

To amend the Law relating to the re-payment to the Consolidated Fund of money expended for the benefit of Greenwich Hospital.

(*Prepared and brought in by
Mr. William Henry Gladstone, Mr. Stansfeld,
and Mr. Baxter.*)

*Ordered, by The House of Commons, to be Printed,
19 July 1870.*

[Bill 229.]

Under 1 oz.

A

B I L L

TO

Grant a Duty of Excise on Licences to use Guns.

A.D. 1870.

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the rate and duty herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Gun Licence Act, 1870."

Short title.

2. In this Act the term "gun" includes a firearm of any description and an air gun or any other kind of gun from which any shot, bullet, or other missile can be discharged.

Definition of terms.

The term "Commissioners" means the Commissioners of Inland Revenue.

3. After the *first day of April one thousand eight hundred and seventy* there shall be granted and paid unto and for the use of Her Majesty, her heirs and successors, for and in respect of every licence to be taken out yearly by every person who shall use or carry a gun in the United Kingdom the sum of *one pound*.

Duty on licence to use a gun.

4. The said duty and licence shall be an excise duty and licence, and shall be under the management of the Commissioners, and all the provisions in any Act relating to excise duties or licences or to penalties under Excise Acts, and now or hereafter in force, shall apply to the said duty hereby granted, and the licence relating

Duty and licence to be under the management of the Commissioners of Inland Revenue.

[Bill 134.]

A

A.D. 1870. thereto, and the penalties hereby imposed, so far as the same are applicable and not inconsistent with the express provisions of this Act.

Form and
date of
licence.

5. Every licence to be granted under this Act shall be in such form and shall be granted by such officer of inland revenue and at such place as the Commissioners shall direct, and shall contain the Christian and surname and place of residence of the person to whom the same shall be granted, and shall be dated on the day on which the same shall be granted, and shall expire on the *thirty-first day of March* next following; but no licence under this Act shall be granted upon payment of a less sum than the duty for a whole year, nor shall any such licence be transferable.

Register of
licences to
be kept.

6. Every officer who shall grant licences under this Act shall keep a register of all such licences granted by him, specifying the Christian and surname and place of residence of every person licensed, and the date of each licence, and any justice of the peace or officer of constabulary or constable, or any person licensed under this Act, may at any convenient time inspect such register of licences for the current or preceding year.

Penalty for
using or
carrying a
gun without
licence.

7. Every person who shall use or carry a gun elsewhere than in a dwelling-house or the curtilage thereof without having in force a licence duly granted to him under this Act shall forfeit the sum of *ten pounds*.

Provided always, that the said penalty shall not be incurred by the following persons; namely,

- (1.) By any person in the naval, military, or volunteer service of Her Majesty, or in the constabulary or other police force using or carrying any gun in the performance of his duty.
- (2.) By any person carrying a gun belonging to a person duly licensed under this Act, and by order of such licensed person and for the use of such licensed person only, if the person carrying the gun shall, upon the request of any officer of inland revenue or constabulary, or any constable, give his true name and address, and also the true name and address of his employer.

In any information for the recovery of the penalty imposed by this section, it shall be sufficient to allege that the defendant used or carried a gun without having a licence in force under this Act, and it shall lie upon the defendant to prove that he is a person not incurring the penalty by virtue of the proviso contained in this section.

A.D. 1870.

8. Where a gun is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry the gun.

Provision
where a gun
is carried in
parts by two
or more
persons.
Licence to be
produced on
demand, or
name and
address
declared,
under
penalty of
10*l*.

9. It shall be lawful for any officer of inland revenue or for any
5 officer of constabulary or any constable to demand from any person
using or carrying a gun (not being a person in the naval, military,
or volunteer service of Her Majesty, or in the constabulary or other
police force, using or carrying a gun in the performance of his duty,) the production of a licence granted to such person under this Act.
10 If the person upon whom the demand is made shall not produce a
licence duly granted to him under this Act, and permit the officer or
constable demanding the production thereof to read such licence, it
shall be lawful for such officer or constable to require such person to
declare to him immediately his Christian and surname and place of
15 residence, and if such person shall refuse to declare his Christian and
surname and place of residence as aforesaid, he shall for such refusal
forfeit the penalty of *ten pounds* over and above any other penalty
to which he may be liable under this or any other Act of Parlia-
ment; and it shall be lawful for such officer or constable to arrest
20 such person so refusing, and to convey him before any justice of
the peace having jurisdiction at the place where the offence shall
be committed, and such justice shall, upon due proof on oath of the
offence, or upon the confession of the accused person, convict such
person in the penalty aforesaid, or in some mitigated portion thereof,
25 not being less than *one fourth*; and if such penalty be not im-
mediately paid into the hands of the officer or constable (who is hereby
required to receive and pay over the same to the Commissioners),
such justice shall commit the offender to hard labour in the proper
house of correction for any period not exceeding *one month* nor
30 less than *seven days*, or until the penalty shall be sooner paid.

10. It shall be lawful for any officer of inland revenue, officer
of constabulary, or constable, who may see any person using or
carrying a gun to enter and remain so long as may be necessary
upon any lands or upon any premises (other than a dwelling house
35 or the curtilage thereof) for the purpose of making the demand
specified in the preceding section.

Authorized
officers may
enter upon
lands.

11. After the *first day of April one thousand eight hundred and
seventy* the duties of excise now payable under the Act passed in the
twenty-third and twenty-fourth years of Her Majesty, chapter ninety,
40 in respect of licences and certificates to kill game, shall cease and
determine, and the several sections and parts of sections of the said
Act, and also the several other Acts specified in the schedule hereto,

Excise duties
in respect of
licences and
certificates
to kill game
to cease, and
enactments
relating
thereto
repealed.

A.D. 1870. shall be repealed, except as to the said duties in arrear, and as to any penalties incurred on or before the said day.

Construction
of certain
terms in
1 & 2 W. 4.
c. 32.

12. The term "game certificate," wherever the same occurs in the sections of the Act of the first and second years of King William the Fourth, chapter thirty-two, which are now in force 5 and not repealed by this Act, shall be construed to mean a licence to use or carry a gun under this Act, and the expression "any person not authorized to kill game for want of a game certificate," wherever the same occurs in such sections as aforesaid, shall be construed to mean any person not duly licensed under this Act. 10

Licence to be
void if per-
son be con-
victed of any
offence under
sec. 30. of
1 & 2 W. 4.
c. 32., or
under
2 & 3 W. 4.
c. 68.

13. If any person having obtained a licence under this Act shall be convicted of any offence under section thirty of the said Act of the first and second years of King William the Fourth, chapter thirty-two, or under the Act of the second and third years of King William the Fourth, chapter sixty-eight, the said licence shall 15 thenceforth be null and void.

Not to inter-
fere with any
other Act
requiring
authority to
keep fire-
arms.

14. No licence granted under this Act shall entitle the person to whom the same is granted to use, carry, or have in his custody or possession any firearm in any part of the United Kingdom where such person is by any other Act now or hereafter in force forbidden 20 to use, carry, or have in his custody or possession any firearm, nor to entitle such person to use, carry, or have in his custody or possession any firearm unless he shall have obtained a licence or permission so to do from any authority empowered by any such other Act to grant such licence or permission. 25

SCHEDULE.

A.D. 1870.

ENACTMENTS TO BE REPEALED.

	Date of Act.	Title of Act.	Extent of Repeal.
5	1 & 2 Will. 4. c. 32.	- An Act to amend the laws in England relative to Game.	Sections 5, 6, 17, and 23.
10	5 & 6 Vict. c. 81.	- An Act to transfer the collection and management of the duties on Certificates to kill Game in Ireland to the Commissioners of Excise.	The whole Act.
15	11 & 12 Vict. c. 29.	- An Act to enable persons having a right to kill Hares in England and Wales to do so by themselves or persons authorized by them without being required to take out a Game Certificate.	The whole Act.
20	11 & 12 Vict. c. 30.	- An Act to enable all persons having at present a right to kill Hares in Scotland to do so themselves or by persons authorized by them without being required to take out a Game Certificate.	The whole Act.
25	23 & 24 Vict. c. 90.	- An Act to repeal the duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like purposes.	Section 2, so far as the same relates to the duties on licences or certificates to take or kill game. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12. The proviso to section 13. Section 16, so far as the same applies to licences and certificates to kill game. Sections 17 and 18.
30			
35			
40	23 & 24 Vict. c. 113.	- An Act to grant Duties of Excise, &c. &c., and to amend the laws relating to the Excise.	Section 43.

Gun Licences.

B I L L

To grant a Duty of Excise on Licences
to use Guns.

(Prepared and brought in by
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Stansfeld.)

*Ordered, by The House of Commons, to be Printed,
20 May 1870.*

[Bill 134.]

Under 1 oz.

A
B I L L

TO

Amend the law of Lunacy, and to provide for the management of Habitual Drunkards. A.D. 1870.

WHEREAS it is expedient to extend the provision of certain laws for the protection of the persons and properties of those who, by reason of frequent, excessive, or constant drunkenness, shall be incapable of or unfit for the proper management of their families, persons, or property :

Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10

PART I.

1. That any person who, by reason of frequent, excessive, or constant use of intoxicating drinks, is incapable of self-control, and of proper attention to and care of his affairs and family, or who is dangerous to himself or others, shall be deemed an habitual drunkard and of unsound mind.

Definition of an habitual drunkard.

2. An habitual drunkard may be confined in any licensed reformatory, asylum, or refuge, or in any reformatory, ward, or building attached to or belonging to any union or parish work-house while under the influence of such unsoundness of mind, and for a sufficient length of time afterwards as may be necessary for the due protection and more complete restoration of the mind and health of such person.

Power to confine an habitual drunkard.

3. Reformatories, sanitariums, or refuges for the reception of such persons as are described in section one of this Act may be established by private individuals, or by an association of individuals, or by corporations or unions, or by the magistrates assembled in quarter sessions, and nothing in this Act shall be construed as preventing the proprietors or keepers of lunatic asylums to keep such reformatories, sanitariums, or refuges, provided always that they are not situated under the same roof or within the compass of the walls of the same buildings in which lunatics are confined.

Reformatories, sanitariums, or refuges may be established.

[Bill 197.]

A.D. 1870.

Reformatories,
sanitariums, or
refuges to be
licensed as
under
8 & 9 Vict.
c. 100.

Habitual
drunkards
may be ad-
mitted and
kept in such
reforma-
tories, &c.

Persons who
may apply
for the ad-
mission of
habitual
drunkards.
Certificates
of two medi-
cal men.

Certificates
to be given.

Nature of
certificate.

Certificates
to be sent
within forty-
eight hours
to Commis-
sioners in
Lunacy.

Persons con-
fined may be
discharged,
and how.

4. Such reformatories, sanitariums, or refuges shall be subject to all the provisions of the Act eighth and ninth Victoria, chapter one hundred, so far as relates to licensed houses and visitations by Commissioners in Lunacy.

5. Any person affected as described in the first section of this 5 Act may be admitted into any such reformatory, sanitarium; or refuge upon their own written request without certificate or other evidence than their own statement that they are habitual drunkards and that they desire to be taken care of in such reformatory, sanitarium, or refuge. 10

6. Upon the request of a near relation, friend, or guardian, persons affected as described in the first section of this Act may be admitted upon the production of certificates, signed by two duly qualified medical practitioners, and upon the affidavit or declaration of some credible witness other than applicant, stating that the party 15 to be admitted is a confirmed or habitual drunkard, and either incapable or dangerous as before described.

7. Such certificates shall be given only after a separate examina- tion of the person to be admitted by each signer of the said certi- ficate, and that such certificate shall fully and completely state the 20 facts upon which such certificate is made; the facts to be classed as those personally known to the signer and those related to him by others.

8. Keepers of reformatories, sanitariums, or refuges duly licensed shall, within forty-eight hours after the admission of any 25 person, send a copy of the request for admission, and of the certificates and declarations upon which such admissions shall have been granted, to the Commissioners in Lunacy.

9. Any person confined in any reformatory, sanitarium, or refuge duly licensed under this Act may be discharged by an 30 order of the Lord Chancellor, or by a Commissioner of Lunacy, or by a justice of the peace, on satisfactory proof being given that such person is cured of his or her disorder, and that he or she may, with safety to himself or herself and others, be discharged; but no such discharge shall be made without consultation with and certificates 35 from one or more duly qualified practitioners that such person is recovered.

10. All proceedings and matters relating to and affecting the guardianship and management of the person affected as herein- before mentioned (section two), or of his or her estate, shall be in 40 accordance with and governed by an Act entitled "The Lunacy " Regulation Act, 1863."

11. No person who shall be admitted to a reformatory, sanitarium, or refuge, either on his or her own application, or on the application of relation, friend, tutor, or guardian, be admitted for less than *three months* nor more than *twelve months*; but nevertheless
 5 it shall be lawful for any Commissioner in Lunacy, or justice of the peace or magistrate, or, in case of the person being sent by order of the Lord Chancellor, then for the Lord Chancellor, to shorten or to extend the period of residence upon the certificates of two duly qualified medical practitioners that it is desirable and safe to do so.

A.D. 1870.
 Limitation
 of the period
 of detention.

10

PART 2.

12. It shall be lawful for the magistrates of any county, city, or borough to establish a reformatory, sanitarium, or refuge, and to make suitable provision for the reception and detention of any persons affected as described in section two of this Act, or to convert
 15 any ward, wing, part, or whole of any existing prison, jail, or house of correction to such purposes; or to contract with proprietors of any duly licensed reformatory, sanitarium, or refuge for the reception of persons as afore described, and the cost thereof shall be defrayed out of any county or borough rate, as is now done in regard to any
 20 prison, jail, or house of correction.
13. It shall be lawful for any board of guardians to appropriate a ward, wing, or building belonging to the union or hundred workhouse to the purpose of a reformatory, sanitarium, or refuge for habitual drunkards.
- 25 14. It shall be lawful for any justice of the peace or magistrate sitting in petty session to send to a reformatory, sanitarium, or refuge any person who on it being proved by evidence given before him and by the certificate of two medical practitioners that such an one is a person as described in section 1. Part I. of this Act, and
 30 who is unable to pay for his or her maintenance in any other reformatory, sanitarium, or refuge, for a period not exceeding *three months* nor less than *twelve months*.

Magistrates
 may establish
 reforma-
 tories, sani-
 tariums, and
 refuges.

Board of
 guardians
 may form
 reforma-
 tories, &c.

Magistrates
 may commit
 to reforma-
 tories, on
 evidence,
 habitual
 drunkards.

15. It shall be lawful for any justice of the peace or magistrate sitting in petty session to commit to such reformatory, sanitarium,
 35 or refuge, without certificate, any person who has been convicted of drunkenness or a breach of the peace while drunk three times within six calendar months for a period not less than *three months* nor more than *twelve months*.

Magistrates
 may commit
 any person
 thrice con-
 victed in six
 months
 without cer-
 tificate.

16. The period of committal may be extended to a period of not
 40 more than *six months* beyond the time of the first committal, upon the evidence or certificate of a duly qualified medical practitioner

Extension
 of the period
 of detention
 of certificate.

A.D. 1870. — that such extension of the period of detention is required for the restoration of the mind and health of the detained party.

Nothing in this Act to alter criminal laws.

17. Nothing in this Act contained shall be construed to alter the law so far as regards the liability of drunkards for criminal acts done by them while under the influence of drink.

5

Lunacy regulations to apply.

18. In so far as they may be applicable, the provisions of the Lunacy Regulations Act shall be incorporated in this Act.

Short title.

19. This Act shall be called the Habitual Drunkards Act, 1870.

Habitual Drunkards.

A

B I L L

To amend the law of Lunacy, and to provide for the management of Habitual Drunkards.

(Prepared and brought in by
Mr. Donald Dabrymple, Mr. Gordon, and
Mr. Pease.)

*Ordered, by The House of Commons, to be Printed,
6 July 1870.*

[Bill 197.]

Under 1 oz.

High Court of Justice Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause. *Preliminary.*

1. Short title.
-

PART I.

Constitution and Powers of High Court of Justice.

2. Constitution of High Court.
3. Transfer of jurisdiction to High Court.
4. Exceptions from transfer of jurisdiction to High Court.
5. Jurisdiction of judges of High Court on circuit.
6. Rank of judges of High Court.

CLAUSE A.—Salaries of judges of High Court.

CLAUSE B.—Retiring pensions of judges of High Court.

CLAUSE C.—Salaries and pensions how paid.

7. Judges of High Court not to sit in House of Commons.
 8. Officers of High Court.
 9. Regulations as to jurisdiction of High Court.
 10. Regulations as to proceedings of High Court.
 11. Regulations as to patronage and powers of judges not transferred to High Court.
 12. Rules of High Court.
 13. Delegation of jurisdiction of Lord Chancellor in certain cases.
-

PART II.

Temporary Provisions.

14. Special provision as to Chief Judge in Bankruptcy and the Judge of the Admiralty Court.
15. Existing judges to be judges of High Court.

[Bill 180.]

Clause.

16. Reservation of rights and obligations of existing judges.
 17. Maintenance until altered by rules of court of existing practice.
 18. Transfer of existing staff of officers to High Court.
 19. Transfer of books and papers to High Court.
 20. Certain judges exempted as heretofore from going circuit.
-

PART III.

Miscellaneous and Saving Clauses.

21. Appointment of law terms.
 22. Saving clause as to circuits, &c.
 23. Provisions as to taking the coif.
 24. Regulations as to solicitors and attorneys.
 25. Saving as to Lord Chancellor.
 26. Saving as to Chancellor of the Exchequer.
 27. Saving as to Lord Treasurer and office of the Receipt of Exchequer.
 28. Provision as to Great Seal being in commission.
 29. Definition of "existing."
 30. Commencement of Act.
-

A
B I L L

INTITULED

An Act for amending the Law relating to the Constitution of the Superior Courts of Law and Equity, of the Court of Admiralty, of the Court of Probate, and of the Court for Divorce and Matrimonial Causes. A.D. 1870.

[Note.—*The words and clauses printed in red ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to amend the law relating to the constitution of the Superior Courts of Law and Equity, of the Court of Admiralty, of the Court of Probate, and of the Court for Divorce and Matrimonial Causes :

- 5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

- 10 1. This Act may be cited for all purposes as "The High Court of Justice Act, 1870." Short title.

PART I.

Constitution and Powers of High Court of Justice.

- 15 2. From and after the commencement of this Act there shall be established a court to be called the High Court of Justice of England. Constitution of High Court.

The judges of the court shall be the Lord Chancellor for the time being and the permanent judges following, that is to say, the Lord Chief Justice of England and such number of ordinary judges, not exceeding twenty-one, as Her Majesty may from time to time by Order in Council determine.

The High Court of Justice shall be divided, for the convenient despatch of business, into five divisional courts, to be styled respec-

[Bill 180.]

A

A.D. 1870. tively the Court of Chancery, the Court of Queen's Bench, the Court of Common Pleas, the Court of Exchequer, and the Probate, Divorce, and Admiralty Court, or to be otherwise styled in such manner as Her Majesty may by Order in Council from time to time determine; and each of the said courts shall be presided over 5 by a Lord President.

The Lord Chancellor shall be the Lord President of the High Court of Justice, and also Lord President of one of the said divisional courts.

The permanent judges of the High Court of Justice shall be 10 appointed by Her Majesty by letters patent; they shall hold their offices during good behaviour, but may be removed on an address presented to Her Majesty by both Houses of Parliament. The Chief Justice shall in his appointment be styled Lord Chief Justice of England, and shall be Lord President of one of the said divisional 15 courts.

Each of the Lord Presidents of the divisional courts, other than the Lord Chancellor and Chief Justice, shall, in his appointment, be styled Lord President of the divisional court (naming it) to which he may be for the time being attached; the other permanent judges 20 shall be styled judges of the High Court of Justice.

Upon any vacancy occurring in the office of a permanent judge of the High Court of Justice, Her Majesty may, by letters patent, appoint a person to fill such vacancy.

An ordinary sitting of a divisional court shall, except as otherwise 25 provided by rules of court made in pursuance of this Act, consist of not less than three nor more than five judges.

Every judge of the High Court of Justice shall, before he enters on the execution of his office, take, in the presence of the Lord Chancellor, the oath of allegiance and judicial oath, as defined by, 30 the Promissory Oaths Act, 1868.

At the sitting of a divisional court, in the absence of its proper Lord President, the judge next in rank shall be the president for the time being.

The High Court of Justice shall be duly constituted notwith- 35 standing any vacancies in the court so long as the number of members of the court is not reduced below seven.

Transfer of
jurisdiction
to High
Court.

3. From and after the commencement of this Act the High Court of Justice established by this Act shall be a principal court of record, and, with the reservations herein-after mentioned, 40 there shall be transferred to and vested in the High Court of

Justice the jurisdiction previously to the commencement of this Act vested in or capable of being exercised by all or any of the superior courts herein-after described, or by all or any one or more judges of the said courts sitting in court or chambers, or elsewhere
 5 when acting in the capacity of judges or of a judge, in pursuance of any Act of Parliament, law, custom, rule, or practice, also all ministerial powers, duties, and authorities incident to the jurisdiction transferred by this Act.

The superior courts the jurisdiction of which is, with the reservations herein-after mentioned, transferred to the High Court of Justice, are as follows:—

1. The High Court of Chancery as a Common Law Court as well as a Court of Equity, including the jurisdiction of the Master of the Rolls as a judge or master of the Court of
 15 Chancery, also any jurisdiction exercised by him in relation to the Court of Chancery as a Common Law Court :
2. The Court of Queen's Bench :
3. The Court of Common Pleas :
4. The Court of Exchequer as a Court of Revenue as well as a
 20 Common Law Court :
5. The Court of Probate :
6. The Court for Divorce and Matrimonial Causes, in this Act referred to as the Court of Divorce :
7. The Court of Admiralty :

25 and from and after the time at which such transfer of jurisdiction as aforesaid takes place the above-mentioned courts shall be consolidated with the High Court.

4. There shall not be transferred to the High Court of Justice by virtue of this Act,—

- 30 (1.) Any jurisdiction of rehearing cases or of hearing cases on appeal vested in the Lord Chancellor or the Court of Appeal in Chancery:
- (2.) Any jurisdiction of the Lord Chancellor or of any judge of the Court of Appeal in Chancery vested in him under
 35 the sign manual of the Queen or by Act of Parliament or custom in relation to the custody of the persons and estates of infants, idiots, lunatics, and persons of unsound mind :
- (3.) Any jurisdiction vested in the Lord Chancellor in relation
 40 to the grants of letters patent, the issue of commissions, or

Exceptions
 from transfer
 of juris-
 diction to
 High Court.

A.D. 1870.

other writings, to be passed under the Great Seal of the United Kingdom :

- (4.) Any jurisdiction exercised by the Lord Chancellor in right of or on behalf of Her Majesty as visitor of any charity or other foundation :

5

- (5.) Any jurisdiction of the Master of the Rolls in relation to records in London or elsewhere in England.

Jurisdiction
of judges of
High Court
on circuit.

5. Her Majesty, by commission of assize or other like commission, may assign to any judge or judges of the High Court or other persons usually named in commissions of assize, the duty of hearing and determining on circuit, or at the nisi prius sittings in London or at Westminster, any issues of fact or of law, or partly of fact and partly of law arising in any action, cause, suit, or legal proceeding instituted in the High Court, and such commissioners shall hear and determine the same accordingly, and may, for the purposes of such hearing and determination, and subject to the rules of court made in pursuance of this Act, exercise any jurisdiction vested in the High Court. 10 15

Rank of
judges of
High Court.

6. The judges of the High Court of Justice shall, as between themselves, rank as follows :— 20

- (1.) The Lord Chancellor :
- (2.) The Lord Chief Justice of England :
- (3.) The other Lord Presidents of divisional courts, according to their seniority :
- (4.) The remaining judges according to their seniority. 25

For the purposes of general precedence the Lord Chancellor and Lord Chief Justice of England shall take the rank that the Lord Chancellor and the said Lord Chief Justice respectively would have taken if this Act had not passed. The Lord Presidents of divisional courts, other than the Lord Chancellor and Lord Chief Justice of England, shall take rank after the Master of the Rolls; and the ordinary judges of the High Court of Justice, other than the Lord Presidents, shall take rank according to seniority of appointment immediately after the junior Lord Justice of Appeal appointed under the Appellate Jurisdiction Act, 1870. 30 35

CLAUSE A.
Salaries of
judges of
High Court.

Subject to the provisions in this Act contained with respect to existing judges there shall be paid the following salaries :—

To the Lord Chancellor, the sum hitherto payable to him as Lord Chancellor :

To the Lord Chief Justice of England, the sum hitherto payable to him as Lord Chief Justice of England : 40

A.D. 1870.

To each Lord President of a divisional court, other than the Lord Chancellor and Lord Chief Justice of England, the sum of six thousand pounds a year :

To each of the other judges of the court, the sum of five thousand pounds a year.

Subject to the provisions in this Act contained with respect to existing judges Her Majesty may, by letters patent under the Great Seal of the United Kingdom, grant to any permanent judge of the High Court of Justice who has served for fifteen years as a judge, or is disabled by permanent infirmity from the performance of the duties of his office, a pension, by way of annuity, equal to of the salary of which he is in receipt at the time of his resignation, to be continued during his life.

CLAUSE B.
Retiring
pensions of
judges of
High Court.

Subject to the provisions in this Act contained with respect to existing judges, the salaries and pensions payable to the permanent judges of the High Court of Justice shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: All salaries and pensions payable under this Act shall grow due from day to day, but shall be payable to the persons entitled thereto, or to their executors or administrators, at such intervals in every year, not being longer than three months, as the Treasury may from time to time determine.

CLAUSE C.
Salaries and
pensions
how paid.

7. A judge of any of the said divisional courts of the High Court of Justice shall not be capable of being elected to or sitting in the House of Commons.

Judges of
High Court
not to sit in
House of
Commons.

8. Subject to the provisions in this Act contained with respect to existing officers of the courts whose jurisdiction is hereby transferred to the High Court of Justice, there shall be attached to the High Court of Justice and to each divisional court such masters, secretaries, registrars, associates, clerks, junior clerks, messengers, and other officers and assistants as the Lord Chancellor and Lord Presidents, or the major part of them, of whom the Lord Chancellor shall be one, may, with the sanction of the Treasury, from time to time determine.

Officers of
High Court.

The Lord Chancellor and Lord Presidents, or the major part of them, of whom the Lord Chancellor shall be one, may, by order, with the sanction of the Treasury, attach to the High Court or to any divisional court, either permanently or for a time, **to be paid by salary, fees, or otherwise,** any persons skilled in accounts, or in any particular branch of science, trade, or manufacture, and the High Court or any divisional court, or any judge thereof, may, in such

A.D. 1870. manner and subject to such restrictions as may from time to time be prescribed by the rules of court, avail himself of the services of such persons, with power to refer to such persons the determination of any matters arising in any case, either in London or Westminster, or elsewhere within the jurisdiction of the High Court. 5

There shall be attached to each permanent judge of the High Court of Justice such clerks and officers as the Lord Chancellor and Lord Presidents, or the major part of them, of whom the Lord Chancellor shall be one, may, with the sanction of the Treasury, from time to time determine. 10

The officers attached to the High Court shall be appointed by the Lord Chancellor. The officers attached to any divisional court shall be appointed by the Lord President of that divisional court.

Any officer attached to the High Court or to a divisional court may be removed by the person having power to appoint him for 15 reasons to be assigned by the person removing him in the order of removal.

Every officer attached to a judge of the High Court of Justice shall be appointed by the judge to whom he is attached, and shall hold his office at the pleasure of such judge. 20

There shall be paid to every officer appointed in pursuance of this section such salary out of moneys to be provided by Parliament as may be determined by the Lord Chancellor and Lord Presidents, or the major part of them, of whom the Lord Chancellor shall be one, with the sanction of the Treasury. 25

An officer attached to a judge shall not be entitled to any pension or compensation in respect of his retirement from, or the abolition of his office, except and only so far as he may be entitled thereto independently of this Act; but every other officer appointed in pursuance of this section shall be deemed to be employed in the 30 permanent civil service of Her Majesty, and shall be entitled, as such, to a pension or compensation in manner in which the other permanent civil servants of Her Majesty are entitled to pension or compensation.

Regulations
as to juris-
diction of
High Court.

9. The following enactments shall be made with respect to juris- 35 diction under this Act :

- (1.) Equity, or the rules and principles which govern the Court of Chancery in the administration of justice, shall henceforth be blended and united with the common law of England, and (so far as there is any difference) shall 40 control and modify the same, and supply the defects thereof, to the intent that henceforth there may be no division in the jurisdiction of the several courts, but that

equity and common law, so united as aforesaid, may be administered in all the aforesaid courts without difference or distinction; and in case of any conflict of jurisdiction, the jurisdiction which has hitherto been exercised by the Court of Chancery, or by the Court of Admiralty, shall prevail from time to time :

A.D. 1870.

(2.) Every right of suit or action, and every ground of or title to relief, now recognised by or capable of being enforced in any court of equity shall, subject to any rules of court made in pursuance of this Act, be recognised by and enforced in the High Court of Justice and every divisional or other court thereof :

(3.) Any answer, plea, or defence in any suit, action, or other civil legal proceeding which has hitherto been available in any court of equity shall, subject to any rules of court made in pursuance of this Act, be available in the High Court of Justice and in every divisional or other court thereof.

10. Subject to this Act, and to any rules of court made in pursuance thereof, any divisional court or any two or more judges of such court, or any one judge sitting alone in court or in chambers, shall be capable of exercising any part of the jurisdiction by this Act vested in the High Court of Justice. Any two or more judges or any one judge sitting in court shall be deemed to constitute a court if so prescribed by rules of court.

Regulations
as to pro-
ceedings of
High Court.

Subject to such rules as aforesaid, any matter arising in a case before any divisional or other court constituted in pursuance of this Act may be referred to one or more accountants or scientific or other special referees, and the decision or report of any such referees may be adopted wholly or partially by the court, and may be enforced as a judgment by the court, and any portion of the jurisdiction of the court which may be prescribed by such general rules as being necessary for the due performance of the duties of the referees may be vested in the referees.

Subject to such rules as aforesaid, any two or more judges, or any one judge of the High Court when sitting otherwise than as part of a divisional court, may direct any point of law to be argued before any divisional court instead of being argued before such judges or judge.

By such rules as aforesaid, provision shall be made for the rehearing without delay by a divisional court or other court of the

A.D. 1870. — High Court, consisting of not less than two judges, of any interlocutory order made by any one judge of the said court, and the court rehearing the case may reverse, modify, or affirm the interlocutory order complained of; but, save as aforesaid, and subject to the right of appeal conferred by the Appellate Jurisdiction Act, 5 1870, any order made by any divisional or other court thereof shall be final.

The High Court of Justice and any divisional or other court thereof may hold its sittings out of term as well as in term, and shall have the same jurisdiction out of term as in term. 10

Not less than two courts of the High Court of Justice, to be constituted according to rules of court, shall sit during the whole year, with the exception of the legal vacations, for the trial of civil and criminal cases coming within their cognizance.

Regulations
as to patron-
age and
powers of
judges not
transferred
to High
Court.

11. Subject to the provisions in this Act contained with respect 15 to existing judges, any rights of patronage and other rights or powers incident to the office or offices of any judge or judges of any court or to any court whose jurisdiction is transferred to the High Court of Justice in respect of which rights of patronage or other rights or powers no provision is expressly made by this Act, but exclusive 20 of any rights of patronage or other rights or powers incident to the office of Lord Chancellor or Master of the Rolls in respect of such portion of their respective jurisdictions as is not transferred to the High Court, shall continue and be exercised as follows; that is to say, if incident to the office of Lord Chancellor 25 or Lord Chief Justice of England, shall continue so incident, and shall be exercised as heretofore by the Lord Chancellor or Lord Chief Justice of England for the time being; if incident to the office of Chief Justice of the Common Pleas or Chief Baron of the Exchequer, shall become incident to the office of Lord President of 30 the Divisional Court of Common Pleas and office of the Lord President of the Divisional Court of Exchequer, and be exercised by the Lord President of the Divisional Court of Common Pleas for the time being and the Lord President of the Divisional Court of Exchequer for the time being respectively; if incident to the office of Chief 35 Judge of the Court of Probate or Court of Divorce, shall become incident to the office of Lord President of the Probate, Divorce, and Admiralty Court, and be exercised by such Lord President for the time being; if incident to the office of any other judge or judges, or to any court, shall become incident to and be exercised by such 40 judge or judges for the time being, or such divisional or other court of the High Court as Her Majesty or her successors may by sign manual appoint in that behalf.

The office of a permanent judge of the High Court shall for the purpose of imposing a liability to any duty be equivalent to the office of a judge of any of the courts whose jurisdiction is transferred to the High Court, with this modification, that the Lord President
 5 of a divisional court shall be substituted for the Chief Justice of the Court of Common Pleas and the Chief Baron of the Exchequer.

A.D. 1870.

Subject to the provisions in this Act contained, any judge of the High Court shall be capable of performing and shall be liable
 10 to perform all duties which any judge of the Superior Courts of Law or of Equity, or of the Court of Admiralty, or Courts of Probate or Divorce is capable of performing or liable to perform in pursuance of any Act of Parliament, law, or custom.

12. Her Majesty may at any time before the first day of November one thousand eight hundred and seventy-one, by and with the advice of the Lord Chancellor, cause to be prepared rules, in this Act referred to as rules of court, and to be submitted to Parliament for confirmation, providing for the regulation of all matters relating to the institution and conduct of business coming within the
 20 cognizance of the court, or of the judges thereof on circuit or at nisi prius sittings in London or at Westminster, the pleadings, the mode of taking evidence, the mode of hearing, the costs to be allowed, the mode of taxation thereof, and the parties by whom costs should be borne, and all matters incidental to or
 25 connected with the administration of justice under this Act.

Rules of
High Court.

The rules made in pursuance of this section shall not be of any force until they have been confirmed by Act of Parliament, but when so confirmed, they shall be of the same force as if enacted in this Act, and shall be judicially noticed.

30 This section shall come into operation immediately after the passing of this Act.

13. Her Majesty may from time to time, by Order in Council, delegate to the High Court of Justice, or any divisional or other court thereof, the jurisdiction vested in the Lord Chancellor in
 35 relation to the persons and estates of infants, idiots, lunatics, and persons of unsound mind, or any part of such jurisdiction, and may from time to time, by Order in Council, revoke, add to, or alter any Order in Council made in relation to such matters.

Delegation of
jurisdiction
of Lord
Chancellor
in certain
cases.

Any Order in Council made in pursuance of this section shall, so
 40 long as it continues in force, be of the same effect as if it were

A.D. 1870. — contained in this Act, and rules of court may be made for carrying the same into effect in the same manner as if such Order in Council were part of this Act.

PART II.

Temporary Provisions.

5

Special provision as to Chief Judge in Bankruptcy and the Judge of the Admiralty Court.

14. From and after the commencement of this Act the existing Chief Judge in Bankruptcy shall hold the same rank and official name ~~and be entitled to the same salary and pension~~ as if, immediately previously to the commencement of this Act, he had been appointed a Vice-Chancellor, and he is in this Act referred to as an existing Vice-Chancellor, but he shall continue to hold the office of Chief Judge in Bankruptcy in addition to the office of a judge of the High Court of Justice conferred on him by this Act: *Provided, that his salary as Chief Judge shall form part of his salary as a Vice-Chancellor, and not be paid to him in addition thereto.* 15

From and after the commencement of this Act the existing judge of the Admiralty Court shall hold the same rank ~~and be entitled to the same salary and pension~~ as if, immediately previously to the commencement of this Act, he had been appointed a junior baron of the Exchequer, but he shall continue to be styled by his present title, 20 *and his salary shall form part of his salary as such junior baron, and shall not be in addition thereto.*

Existing judges to be judges of High Court.

15. From and after the commencement of this Act the divisional courts of the High Court of Justice shall be composed of the following judges; that is to say,— 25

The divisional Court of Chancery of the Lord Chancellor and existing Vice-Chancellors:

The divisional Court of Queen's Bench of the existing judges of the Court of Queen's Bench:

The divisional Court of Common Pleas of the existing judges of 30 the Court of Common Pleas:

The divisional Court of Exchequer of the existing judges of the Court of Exchequer:

The divisional Court of Probate, Divorce, and Admiralty of the existing judge of the Court of Probate and Divorce and the 35 existing judge of the Court of Admiralty, and of such other judge of the High Court as may with his consent be transferred to such last-mentioned divisional court in pursuance of this Act.

The following judges shall be Lord Presidents of the above-mentioned divisional courts; that is to say,— A.D. 1870.

The Lord Chancellor shall be the Lord President of the divisional Court of Chancery :

5 The Lord Chief Justice of the divisional Court of the Queen's Bench :

The Lord Chief Justice of the Common Pleas of the divisional Court of Common Pleas :

10 The Lord Chief Baron of the Exchequer of the divisional Court of Exchequer :

And the judge of the Probate and Divorce Courts of the divisional Court of Probate, Divorce, and Admiralty.

16. Save as herein-after mentioned, every existing judge who is by this Act made a permanent judge of the High Court of Justice, including the Chief Judge in Bankruptcy in his character of an existing Vice-Chancellor, and the Chief Judge of the Admiralty Court in his character as a junior baron of the Exchequer, but with the title of Judge of the Admiralty Court, shall as to tenure of office, rank, title, **salaries, pension,** patronage, and powers of appointment or dismissal, and all other privileges and disqualifications, remain in the same condition as if this Act had not passed; and, subject to the change effected in their jurisdiction and duties by or in pursuance of the provisions of this Act, each of the said existing judges shall be capable of performing and liable to perform all duties which he would have been capable of performing or liable to perform in pursuance of any Act of Parliament, law, or custom if this Act had not passed.

Reservation
of rights and
obligations
of existing
judges.

Service as a judge in the High Court of Justice shall, for all the purposes of a pension in the case of an existing judge, be deemed to be a continuation of his service in the court in respect of service in which he would have been entitled to a pension if the High Court of Justice had not been established, and he had up to the time of the accruer of his title to a pension continued a judge of the court of which he is a judge at the time of the commencement of this Act, with this addition, that the Chief Judge in Bankruptcy shall, for the purposes of this section, be considered as a Vice-Chancellor, and service in the Bankruptcy Court to have been service by him as a Vice-Chancellor; and that the judge of the Admiralty Court shall for the purposes of this Act be deemed to have been a common law judge at the commencement of this Act, and service in the Admiralty Court shall in his case be deemed to have been service in a Common Law Court.

A.D. 1870.

The existing judge of the Probate and Divorce Courts shall, from and after the commencement of this Act, be entitled to the title, salary, and pension of a Lord President, and service in any court in which such judge has hitherto acted as judge shall, for the purposes of pension, be reckoned as service as Lord President in the High Court of Justice.

Maintenance until altered by rules of court of existing practice.

17. Subject to the provisions of this Act and to any alteration that may be made by rules of court, the divisional Court of Chancery and the judges thereof shall perform the same duties as they would have performed as Lord Chancellor and Vice-Chancellors if this Act had not passed; the divisional Court of Queen's Bench and the judges thereof shall perform the same duties as the Court of Queen's Bench and the judges thereof would have performed if this Act had not passed; the divisional Court of Common Pleas and the judges thereof shall perform the same duties as the Court of Common Pleas and the judges thereof would have performed if this Act had not passed; the divisional Court of Exchequer and the judges thereof shall perform the same duties as the Court of Exchequer and the judges thereof would have performed if this Act had not passed; and the divisional Court of Probate, Divorce, and Admiralty and the judges thereof shall perform the same duties as the judge of the Courts of Probate and Divorce and judge of the Court of Admiralty respectively would have performed if this Act had not passed.

Transfer of existing staff of officers to High Court.

18. All masters, secretaries, registrars, associates, chief and other clerks, messengers, and other officers and assistants at the time of the commencement of this Act attached to any court the jurisdiction of which is hereby transferred to the High Court; also all registrars, clerks, officers, and persons at the time of the commencement of this Act engaged in the preparation of commissions or writs or in the registration of judgments or any other ministerial duties in aid of or connected with any court the jurisdiction of which is hereby transferred to the High Court, shall from and after the commencement of this Act be attached to the High Court of Justice or to such divisional court or courts thereof and by such names as may be specified by rules of court.

The officers so attached shall have the same relative rank and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions as if this Act had not passed.

Her Majesty may from time to time, by Order in Council, distribute the business to be performed in the said High Court or in any divisional or other court thereof other than that performed by

the judges amongst the several officers attached thereto by this section in such manner as to Her Majesty may seem just, and such officers shall perform such duties in relation to such business as may be directed by any Order of Council for the time being in force ;
 5 with this qualification, that the duties required to be performed by any officer shall be the same or duties analogous to those which he performed previously to the passing of this Act.

A.D. 1870.

All secretaries, clerks, messengers, and other officers attached to any existing judge who by this Act is made a permanent judge
 10 of the High Court of Justice, shall continue attached to such judge and shall perform the same or analogous duties to those which they have hitherto performed, and all such last-mentioned officers shall have the same relative rank and hold their offices by the same tenure and upon the same terms and conditions and receive the
 15 same salaries, and, if entitled to pensions, be entitled to the same pensions as if this Act had not passed.

The following officers attached to the Master of the Rolls,—that is to say, the Chief Secretary, the Under Secretary, and Secretary of Causes, the Gentlemen of the Chamber, and the Clerk of the
 20 Papers,—shall not be transferred to the High Court in pursuance of this section ; but all other officers of the Master of the Rolls in court and in chambers shall be so transferred, and shall, subject to any Order in Council for the time being in force, be attached to the Chief Judge in Bankruptcy in his character of an existing
 25 Vice-Chancellor.

Upon the occurrence of a vacancy in the office of any officer coming within the provisions of this section, the Lord Chancellor may, with consent of the Treasury, in the event of his considering such office unnecessary, abolish the same notwithstanding the
 30 patronage thereof may be vested in an existing judge.

19. All books, documents, and papers in the possession of any court or of any officer of any court whose jurisdiction is hereby transferred to the High Court of Justice, or of any person attached to or performing any ministerial duty in aid of such court, shall be
 35 dealt with by such officer or person in such manner as the High Court of Justice may by order direct, and any person failing to comply with any order of the High Court made for the purpose of giving effect to this section shall be guilty of a contempt of the High Court.

Transfer of books and papers to High Court.

20. An existing judge shall not be liable to go on circuit unless
 40 he was so liable at the time of the passing of this Act.

Certain judges exempted as heretofore from going circuit.

A.D. 1870.

PART III.

*Miscellaneous and Saving Clauses.*Appoint-
ment of law
terms.

21. There shall be three terms in each year, called respectively Hilary term, Easter term, and Michaelmas term; Hilary term shall commence on the eleventh day of January, Easter term on the 5 first day of May, and Michaelmas term on the second day of November, and each of the said terms shall end at such time as may be provided by rules of court.

Saving
clause as to
circuits, &c.

22. This Act, except in so far as expressly directed therein, shall not affect the Courts of Nisi Prius held in London or Westminster 10 or the circuits of the judges or the issue of any commissions of oyer and terminer and gaol delivery, or other commissions for the discharge of civil or criminal business on circuit, or any patronage vested in any judges going circuit, or the position, salaries, or duties of any officers of the Superior Courts of common law who perform 15 duties at nisi prius, or duties in relation to either the civil or criminal business transacted on circuit.

Provisions as
to taking the
oath.

23. No person appointed a judge of the High Court of Justice shall be required to take the degree of serjeant-at-law.

Regulations
as to soli-
citors and
attorneys.

24. From and after the commencement of this Act all persons 20 admitted as solicitors or attorneys of or by law empowered to practise in any court whose jurisdiction is hereby transferred to the High Court of Justice shall be called solicitors of the High Court of Justice, and shall be entitled to the same privileges and be subject to the same obligations in all respects, so far as circum- 25 stances will permit, as if this Act had not passed, and all persons who would if this Act had not passed have been entitled to be admitted as solicitors or attorneys of or been by law empowered to practise in any courts whose jurisdiction is hereby transferred to the High Court of Justice shall be entitled to be admitted and to be 30 called solicitors of the High Court of Justice, and shall, as far as circumstances will permit, be entitled as such solicitors to the same privileges and be subject to the same obligations as if this Act had not passed.

Any solicitors or attorneys to whom this section applies shall be 35 deemed to be officers of the High Court of Justice, and that court, or any divisional or other court thereof, may exercise the same jurisdiction in respect of such solicitors or attorneys as any one of Her Majesty's superior courts of law or equity might previously to the passing of this Act have exercised in respect of any solicitor 40 or attorney admitted to practise in the court exercising such jurisdiction.

25. This Act, except in so far as expressly directed herein, shall not affect the office or position of Lord Chancellor, and the officers of the Lord Chancellor shall continue attached to him in the same manner as if this Act had not passed.

A.D. 1870.

Saving as
to Lord
Chancellor.

5 26. The Chancellor of the Exchequer shall not be a judge of the High Court of Justice, and shall cease to exercise any judicial functions hitherto exercised by him as a judge of the Court of Exchequer; but save as aforesaid he shall remain in the same position as to duties and salary, and other incidents of his office, as
10 if this Act had not passed.

Saving as to
Chancellor
of the Ex-
chequer.

27. Nothing in this Act contained shall affect the office of the Lord Treasurer, except that any Lord Treasurer shall hereafter cease to exercise any judicial functions hitherto exercised by him as a judge of the Court of Exchequer, and nothing in this Act shall
15 affect the office of the Receipt of the Exchequer.

Saving as to
Lord Treas-
urer and
office of the
Receipt of
Exchequer.

28. When the Great Seal is in commission the senior lord commissioner shall in all respects represent the Lord Chancellor for the purposes of this Act.

Provision as
to Great
Seal being
in com-
mission.

29. "Existing" shall mean existing at the time of the passing
20 of this Act.

Definition of
"existing."

30. This Act, except any provision thereof which is declared to take effect on the passing of the Act, shall not come into operation until the rules of Court by this Act authorized to be made have been confirmed by Act of Parliament; and the time at which this Act
25 comes into operation is herein-before referred to as the commence-
ment of this Act.

Commence-
ment of Act.

High Court of Justice.

[H.L.]

A

B I L L

INTITULED

An Act for amending the Law relating to the Constitution of the Superior Courts of Law and Equity, of the Court of Admiralty, of the Court of Probate, and of the Court for Divorce and Matrimonial Causes.

(*Brought from the Lords 20 June 1870.*)

*Ordered, by The House of Commons, to be Printed,
24 June 1870.*

[Bill 180.]

Under 2 oz.

A
B I L L

TO

Amend the laws relating to Horse Racing.

A.D. 1870.

WHEREAS the present system of horse racing tends to deteriorate the breed of horses, and, by the facilities thereby given for excessive betting, is the cause of serious mischiefs to public morals, and the laws heretofore made and now in force have
5 been found of no avail for arresting such deterioration or hindering such mischiefs :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and
10 by the authority of the same, as follows :

1. From and after the *passing of this Act* it shall not be lawful to run any horse or mare under the age of three years in any race or match for any sum of money, plate, stakes, or other prize ; and the clerk of the course or other official person or persons who
15 shall take the entry of any horse or mare to run in any race or match under the age aforesaid shall be liable to a penalty of not less than *fifty pounds*.

Races of three-year old horses prohibited.
Penalties.

2. From and after the *passing of this Act* no horse or mare under the age of four years shall be capable of winning a Queen's
20 plate.

Queen's plates.

3. Any person who shall receive directly or indirectly any money or valuable thing as a deposit on any bet on condition of paying any sum of money or valuable thing on the happening of any event or contingency relating to a horse race, or as or for the
25 consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any such event or contingency, and every person giving any note, acknowledgment, security, or draft on the receipt of any money or valuable thing so paid or given as aforesaid, purporting
30 or intended to entitle the bearer or any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid, shall, upon summary conviction thereof

Penalties for betting.

[Bill 155.]

A.D. 1870. before two justices of the peace, forfeit and pay such penalty of not less than *thirty pounds* as shall be adjudged by such justices, together with such costs attending such conviction as to such justices shall seem reasonable; and on nonpayment of such penalty and costs, or in the first instance, if the said justices shall so determine, may be committed to the common gaol or house of correction, with or without hard labour, for any time not exceeding *three calendar months*.

Application
of penalties.

4. One third of every pecuniary penalty inflicted under this Act shall be paid to the overseers of the poor of the parish in which the offence shall have been committed, to be by such overseers applied in aid of the rates, and the other two thirds to the person or persons who shall complain or prosecute for the same. 10

Recovery of
penalties.

5. The process for the recovery of all penalties under this Act shall be the same as that provided for the recovery of penalties under the Act passed in the seventeenth year of Her present Majesty, intituled "An Act for the Suppression of Betting Houses." 15



Horse Racing.

A

B I L L

To amend the laws relating to Horse
Racing.

*(Prepared and brought in by
Mr. Hughes, Lord Elcho, Mr. Osborne Morgan, and
Sir Henry Hoare.)*

*Ordered, by The House of Commons, to be Printed,
30 May 1870.*

[Bill 155.]

Under 1 oz.

[33 & 34 VICT.]

Inclosure.

1

A

B I L L

TO

Authorise the inclosure of certain lands in pursuance of a
report of the Inclosure Commissioners for England and
Wales. A.D. 1870.
—

5 **W**HEREAS the Inclosure Commissioners for England and
Wales have, in pursuance of "The Acts for the inclosure,
exchange, and improvement of land," issued their provisional
orders for and concerning the proposed inclosures mentioned in
the schedule to this Act, and have in their twenty-fifth annual
general report certified their opinion that such inclosures would be
expedient; but the same cannot be proceeded with without the
previous authority of Parliament:

10 Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows:

1. That the said several proposed inclosures mentioned in the
schedule to this Act be proceeded with.

15 2. In citing this Act in other Acts of Parliament and in legal
instruments it shall be sufficient to use either the expression "The
annual Inclosure Act, 1870," or "The Acts for the inclosure,
exchange, and improvement of land."

Inclosures
in schedule
may be pro-
ceeded with.
Short title.

A.D. 1870.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.	
Wisley - - -	Surrey - - -	6th January 1870.	
Withypool - - -	Somerset - - -	13th January 1870.	5
Maltby - - -	York - - -	4th March 1869.	
Wolstanton - - -	Stafford - - -	4th March 1869.	
Llanvair Waterdine (No. 2) -	Salop - - -	25th February 1869.	
Alston - - -	Cumberland - - -	18th March 1869.	
Myndtown - - -	Salop - - -	6th May 1869.	10
Liston - - -	Essex - - -	6th May 1869.	
Layston and Widdial - -	Hertford - - -	19th November 1868.	
Godstone and Tandridge -	Surrey - - -	26th August 1869.	
Dorney - - -	Buckingham - - -	7th October 1869.	
Goldcliff - - -	Monmouth - - -	22d July 1869.	15
Withiel - - -	Cornwall - - -	15th January 1870.	
Stamford and Tinwell -	Lincoln and Rutland -	17th January 1870.	
Tregoss Common in Roche -	Cornwall - - -	10th June 1869.	
Goss Moor, Saint Dennis -	Cornwall - - -	10th June 1869.	
Lizzard Common in Landewed-nack.	Cornwall - - -	17th June 1869.	20

Inclosure.

A

BILL

To authorise the inclosure of certain
lands in pursuance of a report of
the Inclosure Commissioners for Eng-
land and Wales.

(Prepared and brought in by
*Mr. Knatchbull-Hugessen and Mr. Secretary
Bruce.*)

*Ordered, by The House of Commons, to be Printed,
8 July 1870.*

[Bill 206.] +
Under 1 oz.

Inclosure Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Construction and short title.
2. Definitions.
3. Allotments for recreation ground and field garden out of common.
 1. Allotment for recreation ground out of commonable lands.
5. Assignment of money in lieu of allotment for recreation ground and field garden.
6. Allotment for recreation ground and field gardens, on inclosure of land partly common and partly commonable.
7. Change of allotments for money, and vice versâ.
8. Expense of clearing, draining, and fencing allotment for recreation ground and field garden.
9. Letting of field gardens to poor inhabitants.
10. Application of rents of field garden.
11. Allotment for paths, rides, and drives.
12. Assent of local authority to inclosure of suburban commons.
13. Purchase of additional allotments for recreation ground and field garden.
14. Application of money raised in lieu of allotment for recreation ground and field garden.
15. Substitution of allotments in the case of recreation grounds and field gardens.
16. Trustees for recreation ground and field gardens.
17. Map of recreation grounds, field garden, path, ride, and drives.
18. Application for inclosure as regulated pastures.
19. Fencing of regulated pastures.
20. Field reeves to be landowners under 27 & 28 Vict. c. 114.
21. Notices of meeting.
22. Hearing of claims by Assistant Commissioner.
23. Report from allotment wardens, trustees, &c. to Commissioners.
24. General report of Commissioners.
25. Repeal.

SCHEDULES.

[Bill 119.]

a

A

B I L L

TO

Amend the law relating to the Inclosure of Commons. A.D. 1870.

WHEREAS it is expedient to make better provision for securing allotments for recreation and for the labouring poor upon the inclosure of any land, and otherwise to amend the law relating to the inclosure of land :

- 5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act shall be construed as one with the Acts mentioned in
 10 the first schedule to this Act ; and those Acts, together with this Act, may be cited as the General Inclosure Acts, 1845 to 1870, and each of the said Acts may be cited by the short title in the said schedule mentioned.

Construc-
tion and
short title.

2. In this Act, unless the context otherwise requires,—

- 15 The term “common ” means any land consisting of waste land of any manor on which the tenants of such manor have rights of common, or of any land subject to any right of common which may be exercised at all times of the year for cattle levant and couchant, or to any rights of common which may be exercised
 20 at all times of the year, and are not limited by number or stints :

Definitions.

The term “commonable land ” means all land which is not common, as before defined, and is subject to be enclosed under the General Inclosure Acts, 1845 to 1870 :

- 25 The term “neighbourhood ” means the whole area of any land comprised in a Provisional Order respecting the inclosure thereof, and of the parish or parishes in which any part of such land is situate, and every place situate within *two* miles of the boundary of such land :

- 30 The term “recreation ground ” means a ground applicable or used for the purposes of exercise and recreation of the inhabitants of the neighbourhood :

[Bill 119.]

A

A.D. 1870. The term "field garden" means a field applicable for being let to the labouring poor, whether agricultural or not, of the neighbourhood.

The terms "district," "local authority," and "local rate" mean respectively the district, local authority, and local rate 5 mentioned in the second schedule to this Act.

Allotments
for recrea-
tion ground
and field gar-
den out of
common.
See 8 & 9
Vict. c. 118.
ss. 30, 31.

3. Where the land proposed to be inclosed, or any part thereof, consists of common, the Commissioners shall require, and in their Provisional Order relating to such land specify, as one of the terms and conditions of the inclosure thereof, the appropriation free of 10 all charge of an allotment for the purpose of a recreation ground or recreation grounds, or a field garden or field gardens, or partly for one purpose and partly for the other, equal in value to not less than one *tenth* part of the whole value of such common as ascertained by the valuer. 15

Allotment
for recrea-
tion ground
out of com-
monable
lands.

4. Where the public have been in the habit of using any commonable land at any time of the year for the purposes of exercise and recreation, and such commonable land is proposed to be inclosed, the Commissioners shall, in their Provisional Order relating to such land, specify as one of the terms and conditions of the inclosure 20 thereof, either the appropriation free of all charge of an allotment for recreation ground, or the reservation to the public of the like rights as they have been in the habit of exercising over the said land.

An allotment under the provisions of this section shall bear the same proportion in value to the allotment which would have been 25 made out of the commonable land proposed to be inclosed if such land had been common as the portion of the year during which the rights of the public were exercised over such land bears to the whole year.

Assignment
of money in
lieu of
allotment for
recreation
ground and
field garden.

5. If the Commissioners, upon the report of the Assistant Commissioner, or after any further inquiries they think necessary, are 30 of opinion that of the land proposed to be inclosed, whether common or commonable land, there is not a sufficient portion suitable for the purpose of a recreation ground or a field garden, they shall, in their Provisional Order relating to such land, specify as one of the terms and conditions of the inclosure thereof that in lieu of the whole or 35 any part of any allotment for a recreation ground or field garden a sum of money equal in value to such whole or part shall be raised; and every such sum, in this Act referred to, according to the purposes to which it is directed by the Commissioners to be applied, as the recreation ground fund or field garden fund, shall be 40 raised by the valuer as part of the general expenses of the inclosure, and paid and applied as mentioned in this Act.

Allotment
for recrea-

6. Where any land proposed to be inclosed consists partly of common and partly of commonable land, the Commissioners, if

satisfied that it would be more advantageous for the population of A.D. 1870.

the neighbourhood that the allotment for a recreation ground or a field garden or any part thereof should be made out of the commonable land instead of out of the common, shall, in the Provisional

- 5 Order relating to such land, specify as one of the terms and conditions of the inclosure thereof that the said allotments or some part thereof shall be made accordingly out of the commonable land, and shall cause an equivalent out of the common to be allotted by way of exchange to the persons interested in the com-
- 10 monable land.

7. The Commissioners shall have the same power of allowing a portion of the land proposed to be inclosed to be allotted for the purpose of a recreation ground or field garden, in lieu of a sum of money directed by a Provisional Order to be raised, and allowing

15 a sum of money to be raised in lieu of any land directed by a Provisional Order to be allotted for either or both of the said purposes, as they have, under the General Inclosure Acts, 1845 to 1870, of allowing an equal quantity of land to be allotted in lieu of that directed to be allotted by a Provisional Order.

- 20 8. Where an allotment is made for a field garden, the valuer shall cause the same to be cleared, drained, fenced, levelled, and otherwise made fit for immediate use and occupation; and the expenses incurred by the valuer under this section shall be paid by the valuer in the first instance as part of the general expenses of the
- 25 inclosure, but shall be ultimately paid out of the field garden fund (if any), or, if there is none, or it is insufficient, a portion of the said allotment, equal in value to the amount of the said expenses, shall, in order to pay those expenses, either be sold or be allotted, together with the rest of the land to be inclosed, among the persons inter-
- 30 rested in the inclosure.

The provisions of this section shall, apply mutatis mutandis, to the case of an allotment for a recreation ground, but the Commissioners may, by order, direct that an allotment for a recreation ground shall not be cleared or levelled; and shall be distinguished by metes

35 and bounds, and not fenced.

The local authority of any district wholly or partly situate in the neighbourhood may, in order to prevent the reduction of any recreation ground or field garden by the sale or allotment thereof for the purpose of raising the said expenses as aforesaid, pay all or part of

40 such expenses out of the local rate.

9. The allotment wardens may from time to time let the allotment under their management, whether made before or after the

tion ground and field gardens, on inclosure of land partly common and partly commonable.

Change of allotment for money and vice versa. See 9 & 10 Vict. c. 70. s. 4.

Expense of clearing, draining, and fencing allotment for recreation ground and field garden.

Letting of field gardens

A.D. 1870. passing of this Act, in gardens not exceeding one quarter of an acre each, to poor inhabitants of the neighbourhood, whether agricultural or not, in manner directed by the General Inclosure Act, 1845: to poor inhabitants.
8 & 9 Vict.
c. 118, s. 109.

Provided that—

- (1.) Where any part of the allotment is not required for other 5
poor inhabitants, the amount let to any one poor inhabitant may exceed one quarter of an acre, so that it do not exceed one half of an acre :
- (2.) If any portion of the allotment is not required for such poor 10
inhabitants as aforesaid, such portion may be let to any person whatever at the best annual rent which can be obtained for the same, without any premium or fine, and on such terms as may enable the allotment wardens to resume possession thereof within a period not exceeding twelve months, if the same should be required for such 15
poor inhabitants as aforesaid.

Section one hundred and ten of the General Inclosure Act, 1845, (which relates to the recovery of such gardens on the nonpayment of rent,) shall be construed as if “residing out of the neighbourhood” were therein substituted for “residing more than one mile out of the 20 parish;” and where any part of the said allotment is let under the provisions of this section to any person who is not a poor inhabitant, the allotment wardens may agree with such person that the said section one hundred and ten shall not apply to such tenancy.

Application
of rents of
field garden.

10. All rents payable by the tenants of an allotment for a field 25
garden, made either before or after the passing of this Act, shall be payable to the allotment wardens; and such wardens shall, if the legal estate is not vested in them, have the same remedies for the recovery thereof, by distress and otherwise, as if the legal estate in such field garden were vested in them. 30

The rents shall be applied by the wardens in payment, in the first place, of all rates, taxes, tithes, and rentcharges which may be payable in respect of the field garden, and all expenses incurred by the allotment wardens in the execution of their duties under the General Inclosure Acts, 1845 to 1870; and the residue shall be 35
employed in improving that or any other field garden in the same neighbourhood, or maintaining the drainage and fencing thereof, or in hiring or purchasing additional land for a field garden.

Any such rents not immediately required for the above purposes may be applied and invested in like manner as is directed by this 40
Act in the case of the income of the field garden fund.

8 & 9 Vict.
c. 118, s. 73.

The provisions of this section shall apply, mutatis mutandis, to any allotment for a recreation ground which may be vested in the local authority or the churchwardens or overseers or any trustees for

the public (exclusive of any allotment made to a private person, as the whole or part of his allotment). A.D. 1870.

11. The Commissioners may in their Provisional Order relating to any common proposed to be inclosed specify that one of the 5 terms and conditions of the inclosure thereof is the appropriation, in addition to the recreation ground required by this Act to be allotted, of paths or rides or drives for the exercise and recreation of the inhabitants of the neighbourhood. The provisions of the General Inclosure Acts, 1845 to 1870, relating to allotments for recreation 10 grounds shall extend to any allotment made under this section, and the soil therein may be vested in the churchwardens and overseers, local authority, or other trustees, or vested in some private person, as the whole or part of his allotment.

Allotment
for paths,
rides, and
drives.

Every such path, ride, or drive shall be a public highway main- 15 tainable by the parish.

12. Where any land is situate as follows ; that is to say,—
Within one mile of any district comprising a population which exceeds *two thousand five hundred* ; or,
Within two miles of any district comprising a population which 20 exceeds *five thousand* ; or,
Within three miles of any district comprising a population which exceeds *ten thousand* ; or,
Within four miles of any district comprising a population which exceeds *twenty thousand* ; or,
25 Within five miles of any district comprising a population which exceeds *fifty thousand* ; or,
Within six miles of any district comprising a population which exceeds *one hundred thousand* ;

Assent of
local autho-
rity to in-
closure of
suburban
commons.

such land shall not be inclosed unless the local authority of such 30 district assent to such inclosure.

Such assent may be given by a resolution passed at a meeting of the local authority which has been convened for the purpose by a notice specifying such purpose, and may be given with or without any conditions.

35 Any document stating such consent and purporting to be sealed with the common seal of the local authority, or if the local authority have no common seal purporting to be signed by the chairman of the meeting of the local authority at which the resolution was passed, shall be evidence of such assent.

40 Every provisional order relating to the inclosure of land shall specify that such consent has been given or is not required under the provision of this action, and, if such assent has been given on conditions, shall specify such conditions as one of the terms and conditions of the inclosure.

A.D. 1870.

The population for the purposes of this section shall be calculated according to the last census for the time being, and the distances shall be measured in a direct line from the boundary of the district to the boundary of the common.

Purchase of additional allotments for recreation ground and field garden.

13. Where the Commissioners are of opinion, on the inclosure of 5 any land, that, having regard to the circumstances of the case, it would be desirable to allot by way of purchase for a recreation ground or field garden an amount of land exceeding the amount required by this Act, or any amount of land out of commonable lands, they may in their Provisional Order specify that one of the 10 terms and conditions of the inclosure is the appropriation for both or either of the purposes aforesaid of an allotment of such amount as they think fit, subject to a rentcharge as provided by section seventy-five of the General Inclosure Act, 1845, or subject to the payment of the value of the fee simple of the allotment at the 15 time when the same is made; and the local authority of any district wholly or partly situate in the neighbourhood may agree to pay and may raise any sum required to pay such rentcharge or purchase money out of the local rate.

The powers under this section may be exercised by the valuer upon 20 instructions given to him in manner provided with respect to instructions by the General Inclosure Act, 1845, and the Acts amending the same.

A certificate of the Commissioners that a district is wholly or partly situate in the neighbourhood of a common shall be con- 25 clusive evidence of that fact for any of the purposes of this Act.

Application of money raised in lieu of allotment for recreation ground and field garden.

14. Where a recreation ground fund or field garden fund is raised by the valuer in lieu of any allotment, such fund shall be paid by the valuer to the official trustees of charitable funds, and shall be applicable as follows; namely, 30

(1.) In the case of a recreation ground fund, in the acquisition of land for the purpose of a recreation ground or recreation grounds, or in the improvement, clearing, draining, fencing, levelling, or making fit for use any recreation ground permanently devoted to that purpose, and used by 35 the people of the neighbourhood (including any village green), or in the purchase of any rights of common over a village green in the neighbourhood:

(2.) In the case of a field garden fund, in the acquisition of land for a field garden for the poor inhabitants of the neigh- 40 bourhood, or in the improvement, clearing, draining, fencing, or making fit for cultivation of any field garden for the poor inhabitants of the neighbourhood, permanently devoted to that purpose.

Until such sum is applied in the above-mentioned manner, the same may be invested in the names of the official trustees; and the dividends received on such investment, and the resulting income thereof, may, in the discretion of the local authority, allotment
 5 wardens, trustees, or other persons having the management of the allotments, either be applied in the same manner as rents received from a recreation ground and field garden may respectively be applied, or may be invested in the names of the said official trustees.

15. The provisions of section four of the General Inclosure Act, 1864, which authorize the Commissioners to allow an equal quantity of the land proposed to be enclosed to be allotted for the purpose of recreation grounds or field gardens, or for any other public purpose, in lieu of that directed to be allotted by any Provisional Order, shall extend to authorize them to allow the allotment of land of
 15 equal value as well of land of equal quantity.

A.D. 1870.
 —
 Substitution
 of allotments
 in the case
 of recreation
 grounds
 and field
 gardens.
 9 & 10 Vict.
 c. 70. s. 4.

16. All land allotted or purchased after the passing of this Act for recreation ground or field gardens, or paths, rides, or drives, may be allotted or conveyed to the local authority or local authorities of the district or districts comprising the population of the neigh-
 20 bourhood, or (if such local authorities are vestries) to the churchwardens and overseers of the poor for the time being of the parish or parishes comprising such population, or to trustees appointed as mentioned in this Act.

Trustees for
 recreation
 ground and
 field gardens.

- Notwithstanding anything contained in the General Inclosure Acts, 1845 to 1870, the Charity Commissioners for England and Wales may make such orders respecting any recreation ground and any field garden which may have been allotted under the said Acts, either before or after the passing of this Act, as they may make with respect to any other charity; and they may in particular
 30 make an order respecting the appointment or election of persons who are to be trustees of any recreation ground or field garden, and the management of such recreation ground or field garden, and the application of the rents thereof, and the application of any recreation ground fund or field garden fund. All local authorities to
 35 whom any land is so allotted, and all trustees and local authorities acting under any such order of the Charity Commissioners, shall, subject to the provisions of the order, have all the powers given by the General Inclosure Acts, 1845 to 1870, to allotment wardens, or churchwardens and overseers; and in the construction of those
 40 Acts the term "allotment wardens" shall be construed to include such local authorities or trustees.

Any such order may be made on the application, as well of the Commissioners or any Assistant Commissioner or valuer acting under the said Acts, or of any local authority in the neighbourhood, as of

A.D. 1870. — the persons authorized to make such application under the Charitable Trusts Acts, 1853 to 1869, and may be made at any time after the Provisional Order directing the appropriation of the recreation ground or field garden in question has been confirmed by Parliament.

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All local authorities, churchwardens and overseers, and trustees, as the case may be, to whom any land has been, either before or after the passing of this Act, allotted or conveyed in pursuance of the General Inclosure Acts, 1845 to 1870, or any of them, for the purpose of a recreation ground or field garden, shall hold the same upon trust for those purposes respectively, and upon any change in such local authorities, churchwardens, overseers, or trustees, the same shall be transferred to and vested in their successors in perpetual succession, and shall be held by them in trust for the public.

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Any recreation ground or field garden, and any part thereof, may be sold under the provisions of the Charitable Trusts Acts, 1853 to 1869.

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Nothing in this section shall apply to any private person to whom a recreation ground has been allotted as the whole or part of his allotment or to the recreation ground allotted to such person.

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Map of recreation ground, field garden, path, ride, and drives.

17. The valuer shall make a copy of such part of the map annexed to or certified to be referred to in any award as relates to any recreation ground, field garden, path, ride, or drive allotted upon such award, and shall certify such copy to be a correct copy, and shall send the copy so certified to the Commissioners of Her Majesty's Works and Public Buildings, who shall cause the particulars contained in the same to be entered on the maps made in pursuance of the Survey (Great Britain) Acts, 1841 and 1870, and those maps shall at all times be evidence that the land therein specified as recreation ground, field garden, path, ride, or drive is for the time being held as such in trust for the public.

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Where a recreation ground, field garden, path, ride, or drive has been allotted to any person as the whole or part of his allotment, nothing in this section shall be deemed to impair the legal right of such person; without prejudice, nevertheless, to the obligation subject to which the land was allotted to such person.

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Application for inclosure as regulated pastures.

See 8 & 9 Vict. c. 118. s. 113.

18. An application may be made for converting any common or commonable lands into a regulated pasture, to be stocked and depastured in common by the persons interested therein, in like manner as an application may be made for the inclosure of such land; and all the provisions of the General Inclosure Acts, 1845 to 1870, shall apply, so far as is consistent with the tenor thereof, to the conversion of such land into regulated pasture, in like manner as they apply to

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an ordinary inclosure, and the Provisional Order shall specify that the land is to be converted into a regulated pasture. A.D. 1870.

Where an inclosure is made under this section, the Commissioners may reserve to the public the right of using the whole of the regulated pasture for the purpose of exercise and recreation, and in that case need not allot for the purpose of a recreation ground or field garden an amount exceeding one half of the amount required by this Act to be so appropriated, but the whole of the allotment so made shall be appropriated for the purpose of a field garden.

10 **19.** Where any common or commonable land is converted into a regulated pasture, the same need not be fenced, but the boundaries thereof may be marked by metes and bounds. Fencing of regulated pastures.

If instructions are given to the valuer, in manner provided, with respect to instructions to the valuer, by the General Inclosure Act, 15 1845, and the Acts amending the same, to fence a regulated pasture, he shall fence the same, and shall defray the expense thereof as part of the expenses of the inclosure.

20. The field reeves of any regulated pasture, whether formed before or after the passing of this Act, shall be deemed to be land-owners within the meaning of the Improvement of Land Act, 1864, and of any Act under which any company is authorized to advance money by way of loan for the permanent agricultural improvement of estates : Field reeves to be land-owners under 27 & 28 Vict. c. 114.

Provided that field reeves shall not exercise any powers under the said Acts, except in pursuance of instructions from time to time given for the purpose by a majority in value of such of the owners of the stints or rights of pasture in the said regulated pasture as may be present, by themselves or their agents authorized in this behalf, at a meeting summoned expressly for the purpose, in like manner as a meeting to fill a vacancy in the office of field reeve is summoned.

21. All notices of meetings given by the Assistant Commissioner or the valuer shall be given, at least *fourteen* days before the meeting, by posting the same at every place in the neighbourhood where notices are usually posted, and also at one or more public places near to the land proposed to be inclosed, and also by the distribution of handbills, and by such other means as the Commissioners think sufficient for giving information of such meeting to all inhabitants of the neighbourhood. Every notice of a meeting given by the Assistant Commissioner shall specify, as one of the purposes of the meeting, the hearing of any information or evidence which may be offered in relation to the appropriation of a recreation ground and field garden, by any persons whether entitled or not to allotments. Notices of meeting. 8 & 9 Vict. c. 118. ss. 25 & 45.

A.D. 1870.

Hearing of
claims by
Assistant
Commis-
sioner.8 & 9 Vict.
c. 118, ss. 35,
46, and 48.

22. After the expiration of the time for the delivery of claims and objections to claims, the valuer shall send to the office of the Commissioners a copy of all claims and objections to claims delivered to him, and the Commissioners on the receipt thereof shall fix and notify to the valuer the time and place of the meeting for the 5 examination of those claims, and the valuer shall give notice of such meeting accordingly. The Commissioners may, if they think fit, refer all or any of such claims and objections to an Assistant Commissioner, who shall attend such meeting, and sit as assessor to the valuer, in like manner as if he had been appointed under section 10 thirty-five of the General Inclosure Act, 1845.

Report from
allotment
wardens,
trustees, &c.
to Commis-
sioners.

23. All allotment wardens, local authorities, churchwardens and overseers, and trustees, who have the management of any recreation ground or field garden, whether allotted before or after the passing of this Act, shall once in every three years send to the Commissioners a 15 report respecting the particulars mentioned in the third schedule to this Act, and such other particulars as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require.

Where the recreation ground has been allotted to any person as the 20 whole or part of his allotment, such person shall make a report to the Commissioners in respect of the particulars in that behalf mentioned in the said schedule.

The Commissioners shall from time to time supply forms for the purpose of making the above-mentioned reports, and any person 25 who fails to make such report within two months after he has received such form shall be liable on summary conviction to a penalty not exceeding *five pounds*.

General
report of
Commis-
sioners.

24. The Commissioners shall specify in the annual general report of their proceedings such particulars as one of Her Majesty's 30 Principal Secretaries of State may require, and in particular the following matters; namely,

- (1.) The cases in which they have assigned a sum of money in lieu of an allotment or any part of an allotment for a recreation ground or field garden, and their reasons for 35 assigning the same :
- (2.) The cases in which they have not allotted paths, rides, or drives, or any additional allotment by way of purchase for a recreation ground or field garden, and their reasons for not allotting the same : 40
- (3.) A statement of the operation of the system of allotments for recreation grounds and field gardens as ascertained from the reports obtained under this Act.

Repeal.

25. The Acts mentioned in the fourth schedule to this Act are hereby repealed to the extent in the third column mentioned. 45

FIRST SCHEDULE.

Year and Chapter.	Title.	Short Title.
5 10 8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons, and lands held in common, the exchange of lands, and the division of intermixed lands; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	The General Inclosure Act, 1845.
15 9 & 10 Vict. c. 70.	An Act to amend the Act to facilitate the inclosure and improvement of commons.	The General Inclosure Act, 1846.
10 & 11 Vict. c. 111.	An Act to extend the provisions of the Act for the inclosure and improvement of commons.	The General Inclosure Act, 1847.
20 11 & 12 Vict. c. 99.	An Act to further extend the provisions of the Act for the inclosure and improvement of commons.	The General Inclosure Act, 1848.
25 12 & 13 Vict. c. 83.	An Act further to facilitate the inclosure of commons and the improvement of commons and other lands.	The General Inclosure Act, 1849.
30 14 & 15 Vict. c. 53.	An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the completion of proceedings under the Tithe Commutation Acts.	The Inclosure, Copyhold, and Tithe Commissioners Act, 1851.
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1852.
35 17 & 18 Vict. c. 97.	An Act to amend and extend the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1854.
20 & 21 Vict. c. 31.	An Act to explain and amend the Inclosure Acts.	The General Inclosure Act, 1857.
40 22 & 23 Vict. c. 43.	An Act to amend and extend the provisions of the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1859.
45 31 & 32 Vict. c. 89.	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land, and to make provision towards the expense of the Copyhold, Inclosure, and Tithe Office.	The Inclosure and Copyhold Tithe Expenses Act, 1868.
50		

A.D. 1870.

SECOND SCHEDULE.

District.	Local Authority.	Local Rate.
Any borough (1) (except Oxford) which does not form part of a larger area within the jurisdiction of improvement commissioners (2) or a local board. (3)	The mayor, aldermen, and burgesses acting by the council.	The borough fund or the borough rate. 5
Any place which is not such a borough as aforesaid, and does not form part of a larger area within the jurisdiction of a local board, and is within the jurisdiction of improvement commissioners. (2)	The improvement commissioners.	Any rate leviable by the improvement commissioners or other funds applicable by them to the purposes of improving, cleansing, or paving the town. 10 15
Any place which is not included in either of the above districts, and is within the jurisdiction of a local board.	The local board -	The general district rate.
Any parish not included in any of the above districts, and for which a separate rate is or can be made. (4)	The vestry, or where there is a select vestry elected by the parishioners under any general Act of Parliament that select vestry.	The poor rate. 20 25

Notes.

In this schedule—

(1) The term “borough” means any place for the time being subject to the Act passed in the session holden in the fifth and sixth years of the reign of King William 30 the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of “Municipal Corporations in England and Wales.”

(2) The term “improvement commissioners” means any commissioners, trustees, or other persons intrusted by a local Act with powers of improving, cleansing, or paving a town. 35

(3) The term “local board” means a board constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, and the Acts amending the same, or one or more of such Acts.

(4) Where part of a parish is included in one of the above districts and part is not so included, such last-mentioned part shall be deemed to be for the purposes of this 40 Act a parish of itself, and the inhabitants thereof may meet in a vestry in like manner as if it were a parish of itself, and such vestry shall be summoned by the same persons and in the same manner as the vestry of the whole parish.

A.D. 1870.

THIRD SCHEDULE.

RETURNS BY ALLOTMENT WARDENS, &c.

Returns are to be made by allotment wardens, local authorities, churchwardens and overseers, and trustees who have the management of any recreation
 5 ground or field garden, respecting the following particulars, or such of them as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require :

- 10 (1.) The names and occupation of the persons making the report, and the capacity in which they make the report, and a statement whether the allotment wardens or trustees have been regularly from time to time appointed :
- (2.) The extent and site of the allotment, and the date at which the same was made :
- 15 (3.) The condition of the surface of the recreation ground, and the mode in which it is used :
- (4.) The extent to which the allotment is used, and the reasons for its non-user (if any), and whether the demand for gardens is greater than the supply :
- (5.) The estimated number of the labouring poor of the neighbourhood :
- 20 (6.) The size of the field gardens let, and the cases in which the same are let in amounts of more than a quarter of an acre :
- (7.) The names and occupations of the tenants, and the mode of cultivation :
- (8.) The effect of the allotment for field gardens on the welfare of the tenants :
- 25 (9.) The accounts of receipts and expenditure.

RETURNS BY PRIVATE ALLOTTEES.

Returns are to be made by persons to whom a recreation ground has been allotted as the whole or part of their allotment, respecting the following
 30 particulars, or such of them as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require :

- (1.) The names and occupations of the persons making the report, and the capacity in which they make the report, and a statement whether the allotment wardens or trustees have been regularly from time to time appointed :
- 35 (2.) The extent and site of the allotment, and the date at which the same was made :
- (3.) The condition of the surface of the recreation ground, and the mode in which it is used.

A.D. 1870.

FOURTH SCHEDULE.

Acts repealed.

Year and Chapter.	Title.	Extent of Repeal.
8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of intermixed lands ; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	Sects. thirty, thirty-one ; sect. seventy-three from the words "and shall be" in the first instance" down to the words "allotment under such inclosure as hereafter provided," both inclusive ; and so much of sect. seventy-five as relates to any allotment required by this Act to be made ; and sect. one hundred and twelve. 5 10 15
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	So much of section fourteen as relates to the fencing of allotments made after the passing of this Act for the purpose of a recreation ground. 20

Inclosure Amendment.

A

B I L L

To amend the law relating to the Inclosure of Commons.

(Prepared and brought in by
*Mr. Knatchbull-Hugessen and Mr. Secretary
Bruce.*)

*Ordered, by The House of Commons, to be Printed,
6 May 1870.*

[Bill 119.]

Under 3 oz.

A

B I L L

TO

Make provision for the assessment of Income Tax, and to amend the law relating to Inland Revenue. A.D. 1870.

WHEREAS in order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing the sixth day of April One thousand eight hundred and seventy, it is expedient that the provisions of the income tax Acts relating to assessment should be applied to such duties before the same are granted :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. All such provisions contained in any Act of Parliament relating to the duties of income tax as are in force at the date of the passing of this Act shall have full force and effect with respect to any duties of income tax which may be granted for the year commencing the sixth day of April one thousand eight hundred and seventy, in the same manner as if such duties had been actually granted, and the said provisions had been applied thereto ; provided that nothing in this Act shall be deemed to continue or put in force sections six and seven of the Act of the session of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter fourteen, or to continue the rates of income tax granted by that Act.

Application of existing Income Tax Acts to duties to be granted.

2. The returns and statements made under the Valuation (Metropolis) Act, 1869, shall be deemed to be, and shall be taken as returns and statements for the assessment of the duties under schedules A. and B. of the Income Tax Act.

As to returns, &c. under the Valuation (Metropolis) Act, 1869.

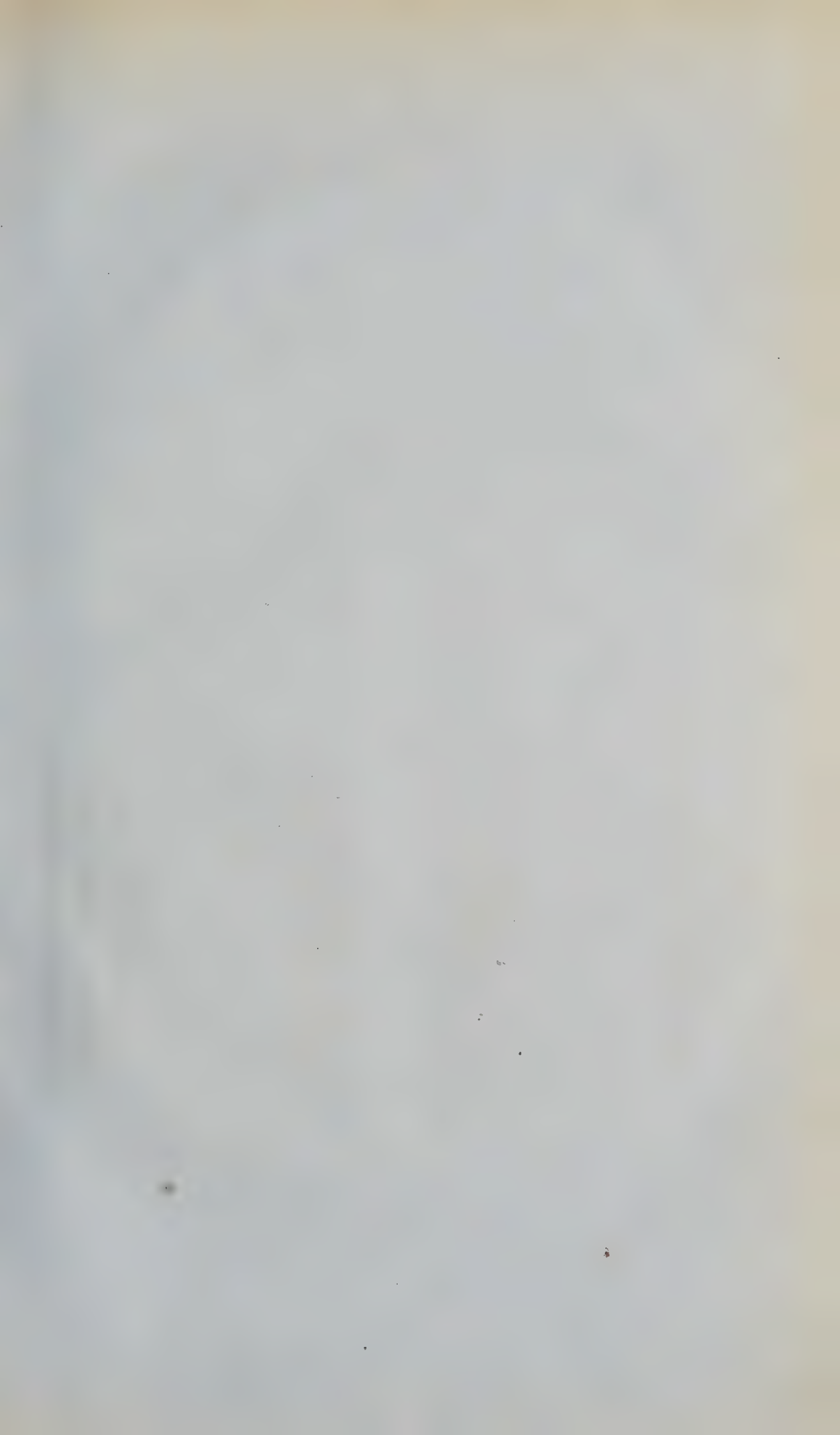
3. The commissioners for the general purposes of the Income Tax Acts shall be commissioners for executing the Acts relating to the inhabited house duties, and all appeals against the said duties shall be determined in like manner as appeals under schedule A. of the Income Tax Acts.

Commissioners for general purposes of income tax to execute acts relating to inhabited house duties.

4. This Act may be cited as "The Income Tax Assessment Act, 1870."

Short title.

[Bill 63.]



Income Tax Assessment and Inland Revenue Law Amendment.

A

B I L L

To make provision for the assessment
of Income Tax, and to amend the
law relating to Inland Revenue.

*(Prepared and brought in by
Mr. Stansfeld and Mr. Chancellor of the
Exchequer).*

*Ordered, by The House of Commons, to be Printed,
4 March 1870.*

[Bill 63.]

Under 1 oz.

A
B I L L

FOR

The repeal of certain Enactments relating to the Inland Revenue. A.D. 1870.

WHEREAS it is expedient that the enactments described in the schedule to this Act should be repealed to the extent and in manner herein-after appearing :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Inland Revenue Repeal Act, 1870," and shall come into operation on the *first day of January one thousand eight hundred and seventy-one.* Short title and commencement of Act.

2. The enactments described in the schedule to this Act are hereby repealed, subject to the exceptions in the said schedule mentioned: Provided that this repeal shall not affect the past operation of any enactment hereby repealed, or the sufficiency or insufficiency of the stamp duty upon any instrument executed or signed, or the validity or invalidity of anything done or suffered before the said *first day of January one thousand eight hundred and seventy-one*; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed, or any penalty or forfeiture incurred against or under any enactment hereby repealed. Enactments in schedule repealed.

3. The expression "the whole Act," when used in the said schedule with reference to any Act which has been already in part repealed, means the whole Act so far as it has not been repealed. Interpretation.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.	
5 & 6 W. & M. c. 21.	An Act for granting to their Majesties several duties, &c.	The whole Act.	5
6 & 7 W. & M. c. 6. -	An Act for granting to His Majesty certain rates, &c.	The whole Act.	
6 & 7 W. & M. c. 12.	An Act for explaining and regulating certain doubts, &c.	The whole Act.	
7 & 8 Will. 3. c. 35. -	An Act for the enforcing the laws which restrain marriage, &c.	The whole Act.	10
9 Will. 3. c. 25. -	An Act for granting to His Majesty, His heirs and successors, further duties, &c.	The whole Act.	
1 Ann. st. 2. c. 19. -	An Act for preventing frauds in Her Majesty's duties, &c.	The whole Act.	15
8 Ann. c. 5. - -	An Act for laying certain duties upon candles, &c.	The whole Act.	
9 Ann. c. 15. -	An Act for making good deficiencies, &c.	The whole Act.	20
9 Ann. c. 16. - -	An Act for licensing and regulating hackney coaches, &c.	The whole Act.	
10 Ann. c. 18. -	An Act for laying several duties, &c.	The whole Act, except section 198.	
10 Ann. c. 19. -	An Act for laying additional duties, &c.	The whole Act.	25
13 Ann. c. 18. -	An Act for laying additional duties, &c.	The whole Act.	
6 Geo. 1. c. 21. -	An Act for preventing frauds and abuses, &c.	The whole Act.	30
18 Geo. 2. c. 22. -	An Act for granting to His Majesty the sum of 800,000 <i>l.</i> , &c.	The whole Act.	
20 Geo. 2. c. 45. -	An Act to continue several laws, &c.	The whole Act.	
30 Geo. 2. c. 19. -	An Act for granting to His Majesty several rates, &c.	Sections from 1 to 27, both inclusive, and 74 and 75.	35

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
2 Geo. 3. c. 36.	- An Act for better securing, &c. -	The whole Act.
5 Geo. 3. c. 35.	- An Act for granting to His Majesty certain duties, &c.	The whole Act.
5 5 Geo. 3. c. 46.	- An Act for altering the stamp duties, &c.	The whole Act.
6 Geo. 3. c. 40.	- An Act for explaining and amending, &c.	The whole Act.
10 7 Geo. 3. c. 44.	- An Act for altering the stamp duties on policies of assurance, &c.	The whole Act.
8 Geo. 3. c. 25.	- An Act for reducing the duties on foul salt, &c.	The whole Act.
12 Geo. 3. c. 48.	- An Act for the more effectual preventing of frauds, &c.	The whole Act.
15 16 Geo. 3. c. 34.	- An Act for granting to His Majesty several duties, &c.	Sections from 1 to 16, both inclusive.
17 Geo. 3. c. 50.	- An Act for granting to His Majesty certain duties, &c.	The whole Act.
20 25 Geo. 3. c. 80.	- An Act for granting to His Majesty certain duties, &c.	The whole Act.
26 Geo. 3. c. 48.	- An Act for granting to His Majesty certain duties, &c.	The whole Act.
26 Geo. 3. c. 82.	- An Act for the more effectually carrying into execution, &c.	The whole Act.
25 27 Geo. 3. c. 13.	- An Act for repealing the several duties of customs and excise, &c.	Sections 41 to 46, both inclusive.
31 Geo. 3. c. 25.	- An Act for repealing the duties now charged on bills of exchange, &c.	The whole Act.
30 34 Geo. 3. c. 14.	- An Act for granting to His Majesty certain stamp duties, &c.	The whole Act.
35 Geo. 3. c. 55.	- An Act for granting to His Majesty certain additional duties on receipts.	The whole Act.
35 37 Geo. 3. c. 19.	- An Act for the more effectually securing the stamp duties, &c.	The whole Act.
37 Geo. 3. c. 90.	- An Act for granting to His Majesty certain stamp duties, &c.	The whole Act.
37 Geo. 3. c. 136.	- An Act to enable the Commissioners of Stamp Duties, &c.	The whole Act.
40 38 Geo. 3. c. 56.	- An Act for repealing so much of an Act, &c.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.	
38 Geo. 3. c. 85.	- An Act for explaining and amending certain Acts, &c.	The whole Act.	
39 Geo. 3. c. 92.	- An Act for altering the period, &c. -	The whole Act.	
39 Geo. 3. c. 107.	- An Act for granting to His Majesty certain stamp duties, &c.	The whole Act.	5
39 & 40 Geo. 3. c. 72.	An Act to amend several laws, &c. -	The whole Act, except section 16.	
39 & 40 Geo. 3. c. 84.	An Act to render valid, &c. - -	The whole Act.	
42 Geo. 3. c. 99.	- An Act for allowing the stamping certain deeds, &c.	The whole Act.	10
43 Geo. 3. c. 126.	- An Act for granting to His Majesty certain duties on receipts.	The whole Act.	
43 Geo. 3. c. 127.	- An Act for consolidating the duties, &c.	The whole Act.	15
44 Geo. 3. c. 59.	- An Act to indemnify solicitors, attornies, and others, &c.	Sections 1 and 2.	
44 Geo. 3. c. 98.	- An Act to repeal the several duties, &c.	The whole Act, except so far as it relates to the duties on medicines and on licences for vending the same.	20
46 Geo. 3. c. 43.	- An Act for granting to His Majesty certain stamp duties, &c.	The whole Act, except sections 4, 5, 6, and 7.	
48 Geo. 3. c. 149.	- An Act for repealing the stamp duties, &c.	Sections 1 to 34, both inclusive, and 45, 48, and 49.	25
50 Geo. 3. c. 35.	- An Act for altering the mode of collecting, &c.	The whole Act.	
53 Geo. 3. c. 108.	- An Act for altering, explaining, and amending, &c.	The whole Act.	
54 Geo. 3. c. 144.	- An Act for better securing, &c. -	The whole Act.	30
55 Geo. 3. c. 100.	- An Act to provide for the collection and management, &c.	The whole Act, except sections 19 and 20.	
55 Geo. 3. c. 101.	- An Act to regulate the collection of stamp duties, &c.	The whole Act.	
55 Geo. 3. c. 184.	- An Act for repealing the stamp duties on deeds, &c.	Sections 1, 3 to 20, both inclusive, 29, 30, and 31; section 2, except so far as it relates to the duties contained in the 3rd part of the Schedule and to licences to bankers and pawnbrokers. Part 1 of the Schedule, except so far as it relates to licences to bankers and pawnbrokers; and Part 2 of the Schedule.	35 40

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
55 Geo. 3. c. 185.	- An Act for repealing the Stamp Office duties on advertisements, &c.	The whole Act, except so far as it relates to the duties on plate.
5 56 Geo. 3. c. 56.	- An Act to repeal the several stamp duties in Ireland, &c.	The whole Act, except sections 115 to 131, both inclusive.
1 & 2 Geo. 4. c. 55.	- An Act to remove doubts, &c. -	The whole Act.
3 Geo. 4. c. 117.	- An Act to reduce the stamp duties on re-conveyances of mortgages, &c.	The whole Act.
10 5 Geo. 4. c. 41.	- An Act to repeal certain duties on law proceedings, &c.	The whole Act.
6 Geo. 4. c. 41.	- An Act to repeal the stamp duties payable in Great Britain and Ireland, &c.	The whole Act.
15 7 Geo. 4. c. 44.	- An Act to allow, &c. - - -	The whole Act.
9 Geo. 4. c. 27.	- An Act to repeal the allowances made to stationers, &c.	The whole Act.
20 9 Geo. 4. c. 49.	- An Act to amend the laws in force relating to the stamp duties on sea insurances, &c.	The whole Act, except so much of section 12 as relates to licences to pawnbrokers.
2 & 3 Will. 4. c. 91.	- An Act to explain doubts, &c. -	The whole Act.
3 & 4 Will. 4. c. 23.	- An Act to reduce the stamp duties on advertisements, &c.	The whole Act.
25 3 & 4 Will. 4. c. 97.	- An Act to prevent the selling and uttering of forged stamps, &c.	The whole Act, except sections 20 and 21.
4 & 5 Will. 4. c. 57.	- An Act to repeal the stamp duties on almanacks, &c.	The whole Act.
5 & 6 Will. 4. c. 64.	- An Act to alter certain duties, &c. -	Sections 1, 2, and 7.
30 6 & 7 Will. 4. c. 76.	- An Act to reduce the duties on newspapers, &c.	The whole Act.
1 & 2 Vict. c. 85.	- An Act to authorise the using, &c. -	The whole Act.
3 & 4 Vict. c. 79.	- An Act to amend the law relating to the admission, &c.	The whole Act.
35 4 & 5 Vict. c. 34.	- An Act to explain and amend an Act, &c.	The whole Act.
5 & 6 Vict. c. 79.	- An Act to repeal the duties payable on stage carriages, &c.	Sections 3, 21, and 22, and so much of the Schedule as relates to the stamp duties on instruments, &c. thereby granted.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
5 & 6 Vict. c. 82. -	An Act to assimilate the stamp duties in Great Britain and Ireland, &c.	The whole Act, except so far as it relates to— (1) Duties contained in the 3d part of the Schedule to 55 Geo. 3. c. 184. 5 (2) Licences to bankers, pawnbrokers, and appraisers. (3) Composition for duties on banker's notes. 10 (4) Duties on, and licences to deal in, plate.
6 & 7 Vict. c. 72. -	An Act to impose certain stamp duties, &c.	The whole Act. 15
7 & 8 Vict. c. 21. -	An Act to reduce the stamp duties on policies of sea insurance, &c.	The whole Act.
8 & 9 Vict. c. 76. -	An Act to increase the stamp duty on licences to appraisers, &c.	Sections 2 and 3.
12 & 13 Vict. c. 80. -	An Act to repeal the allowances on the purchase of stamps, &c.	The whole Act, except so much of section 2 as relates to the allowance for receiving duty on plate. 20
13 & 14 Vict. c. 97. -	An Act to repeal certain stamp duties, &c.	The whole Act, except section 8, so far as it relates to money received as and for the duty upon or in respect of any legacy or residue. 25
16 & 17 Vict. c. 59. -	An Act to repeal certain stamp duties, &c.	The whole Act, except sections 8, 17, 19, and 20, and also section 20, so far as it continues or perpetuates any enactment hereby repealed. 30
16 & 17 Vict. c. 63. -	An Act to repeal certain stamp duties, &c.	The whole Act, except section 7. 35
16 & 17 Vict. c. 71. -	An Act to amend the law relating to the stamp duties on newspapers.	The whole Act.
17 & 18 Vict. c. 83. -	An Act to amend the laws relating to the stamp duties.	The whole Act, except sections 11, 12, and 20.
17 & 18 Vict. c. 125. -	An Act for the further amendment of the process, practice, and mode of pleading, &c.	Sections 28 and 29. 40
18 & 19 Vict. c. 27. -	An Act to amend the law relating to the stamp duties on newspapers, &c.	The whole Act.
18 & 19 Vict. c. 78. -	An Act to reduce certain duties, &c. -	Section 5. 45
19 & 20 Vict. c. 22. -	An Act to amend the laws relating to the duties on fire insurances.	The whole Act.

	Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
	19 & 20 Vict. c. 81. -	An Act to reduce the stamp duties on certain instruments of proxy, &c.	The whole Act.
5	19 & 20 Vict. c. 102. -	An Act to further amend the procedure in and to enlarge the jurisdiction of the superior courts of common law in Ireland.	Sections 34 and 35.
	21 & 22 Vict. c. 20. -	An Act for granting a stamp duty on certain drafts, &c.	The whole Act.
10	21 & 22 Vict. c. 24. -	An Act to reduce the stamp duties on passports.	The whole Act.
	23 & 24 Vict. c. 15. -	An Act for granting to Her Majesty certain duties of stamps.	The whole Act, except sections 4, 5, and 6.
15	23 & 24 Vict. c. 111. -	An Act for granting to Her Majesty certain duties of stamps, &c.	Sections 1 to 18, both inclusive, and the schedule.
	24 & 25 Vict. c. 21. -	An Act for granting to Her Majesty certain duties of excise and stamps.	Sections 14 and 15, and so much of Schedule (B.) as relates to the duties on bills of exchange and on leases or tacks, and the duplicates or counterparts thereof.
20			
	24 & 25 Vict. c. 50. -	An Act for facilitating the transfer of mortgages and bonds, &c.	The whole Act.
25	24 & 25 Vict. c. 91. -	An Act to amend the laws relating to the Inland Revenue.	Sections 25, 26, 27, 28, 30, 31, 32, 33, and 34.
	25 & 26 Vict. c. 22. -	An Act to continue certain duties, &c.	Section 38, and so much of Schedule (C.) as relates to the stamp duty on foreign bonds or securities.
30	27 & 28 Vict. c. 18. -	An Act to grant certain duties of Customs and Inland Revenue.	Sections 11, 12, 13, and 14, and Schedule (C.)
	27 & 28 Vict. c. 56. -	An Act for granting to Her Majesty certain stamp duties, &c.	Sections 2, 3, 16, and 17.
35	27 & 28 Vict. c. 90. -	An Act to amend an Act of the present session, chapter 18, &c.	The whole Act.
	28 & 29 Vict. c. 96. -	An Act to amend the laws relating to the Inland Revenue.	Sections 1 to 7, both inclusive, 10 to 17, both inclusive, 19 to 22, both inclusive, and 30.
40	29 & 30 Vict. c. 64. -	An Act to amend the laws relating to the Inland Revenue.	Section 16.
	30 & 31 Vict. c. 90. -	An Act to alter certain duties, &c. -	Sections 20 to 24, both inclusive.
	30 & 31 Vict. c. 96. -	An Act to facilitate the recovery of certain debts, &c.	Section 23.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
31 & 32 Vict. c. 100. -	An Act to amend the procedure in the Court of Session, &c.	Section 41, except so far as it relates to the deliverance of the judge, and section 42.
31 & 32 Vict. c. 124. -	An Act to amend the laws relating to the Inland Revenue.	Sections 10, 11, and 12. 5

**Inland Revenue Acts
Repeal.**

A

B I L L

For the repeal of certain Enactments
relating to the Inland Revenue.

(Prepared and brought in by
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Stansfeld.)

*Ordered, by The House of Commons, to be Printed,
26 May 1870.*

[Bill 146.]

Under 1 oz.

A

B I L L

TO

Define the boundary between the counties of Inverness and Elgin or Moray, in the district of Strathspey ; and for other purposes. A.D. 1870.

WHEREAS doubts exist with respect to the boundary between the county of Inverness and the county of Elgin or Moray (herein-after called the county of Elgin), in the district of Strathspey :

- 5 And whereas certain parts of the county of Elgin, and certain parts of the county of Inverness, situated in the same district, and comprehending the parishes, or portions of the parishes, of Duthil and Abernethy, and of the united parish of Cromdale and Inver-
- 10 allan, are wholly or partially detached from their respective counties, and it will be for public advantage that the boundary between those counties in the district of Strathspey should be defined, and that the detached portions of the county of Elgin should be annexed to and form part of the county of Inverness, and that the detached parts of the county of Inverness should be
- 15 annexed to and form part of the county of Elgin :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 20 **1.** This Act may be cited for all purposes as "The Inverness and Elgin County Boundaries Act, 1870." Short title.

- 2.** Those parts and portions of the counties of Elgin and Inverness described in the schedule A. annexed to this Act, whether the same shall heretofore have been locally situated within the county
- 25 of Elgin or the county of Inverness, shall, from and after the *fifteenth day of May one thousand eight hundred and seventy*, be held to be, and be, for all purposes whatsoever, except in so far as herein-after provided, part of the county, sheriffdom, and commissariat of Inverness.

Portions of
counties
transferred
to the
county of
Inverness.

[Bill 38.]

A

A.D. 1870.

Portions of
counties
transferred
to county of
Elgin.

3. Those parts and portions of the counties of Inverness and Elgin described in the schedule B. annexed to this Act, whether the same shall heretofore have been locally situated within the county of Inverness or the county of Elgin, shall, from and after the *fifteenth day of May one thousand eight hundred and seventy*, be held to be, and be, for all purposes whatsoever, except in so far as herein-after provided, part of the county and sheriffdom of Elgin and commissariat of Elgin and Nairn.

Certain
roads and
bridges
transferred
to Com-
missioners of
Supply of
county of
Inverness.

4. From and after the *fifteenth day of May one thousand eight hundred and seventy*, the roads and bridges presently maintained by the Elgin County Road Trustees under "The Elgin and Nairn Roads and Bridges Act, 1863," upon or within the district described in the schedule A. annexed to this Act, shall form part of the roads and bridges under the management and control of the Commissioners of Supply of the county of Inverness, and the assessment authorized to be levied by the "Highland Roads and Bridges Act, 1862," shall apply to and may be levied by the Commissioners of Supply of the county of Inverness upon and within the said district in like manner and to the same effect as if that district had formed part of the county of Inverness at the passing of the last-mentioned Act.

Certain
roads and
bridges
transferred
to Elgin
County Road
Trustees.

5. From and after the *fifteenth day of May one thousand eight hundred and seventy*, the roads and bridges upon or within the district described in the schedule B. annexed to this Act shall form part of the roads and bridges under the management and control of the Elgin County Road Trustees acting under "The Elgin and Nairn Roads and Bridges Act, 1863," and the assessments authorized to be levied by that Act shall apply to and may be levied by the said Trustees upon and within the said district, in like manner and to the same effect as if that district had formed part of the county of Elgin at the passing of that Act.

As to con-
tracts for
maintenance
of roads.

6. From and after the *fifteenth day of May one thousand eight hundred and seventy*, all contracts for the maintenance and repair of the roads and bridges throughout the district described in the schedule A. annexed to this Act shall cease and determine as regards the Elgin County Road Trustees, or any person or persons acting on their behalf, except in regard to any claims due and payable by the trustees prior to the said *fifteenth day of May one thousand eight hundred and seventy*; and such contracts shall thereafter be binding on and may be enforced by and against the Commissioners of Supply of the county of Inverness, acting under the "Highland Roads and Bridges Act, 1862," as fully and effec-

A.D. 1870.

tually as the same would have been binding on or might have been enforced by and against the Elgin County Road Trustees; and in like manner, from and after the said *fifteenth day of May one thousand eight hundred and seventy*, all contracts for the maintenance and repair of the roads and bridges throughout the district described in the schedule B. annexed to this Act shall cease and determine as regards the Commissioners of Supply of the county of Inverness, or the District Road Trustees of that county, or any person or persons acting on their behalf, except in regard to any claims due and payable by those Commissioners, or the District Trustees, prior to the said *fifteenth day of May one thousand eight hundred and seventy*, and such contracts shall thereafter be binding on and may be enforced by and against the Elgin County Road Trustees as fully and effectually as the same would have been binding on or might have been enforced by and against the said Commissioners or District Road Trustees.

7. Nothing herein contained shall affect the right of the present ministers of the parishes of Cromdale, Abernethy, and Duthil, so long as they shall continue ministers of those parishes respectively, to be paid their stipends, according to the fiars prices of the county by which they are entitled to be paid at the date of the passing of this Act.

Reserving rights of ministers with respect to stipends.

8. Nothing herein contained shall affect the right of the present or future schoolmasters of the parish schools of the parishes of Duthil and Abernethy, in the county of Elgin, to participate in the benefits of the bequest of the late James Dick, esquire, of Finsbury Square, London, commonly called the Dick Bequest; but the schoolmasters of those parishes shall be entitled to all the benefits of the said bequest in the same way and manner as if the parishes of Duthil and Abernethy had continued to be locally situated in the county of Elgin.

Reserving rights of schoolmasters to Dick Bequest.

9. Nothing herein contained shall affect the right of the inhabitants of the parishes of Duthil and Abernethy to be admitted into and to participate in the benefits of "The Elgin Institution for the Support of Old Age and Education of Youth," established under the will of the late Major-General Andrew Anderson, of the late Honourable East India Company's service; but the inhabitants of those parishes shall be entitled to all the benefits of that institution in the same way and manner as if those parishes had continued to be locally situate in the county of Elgin.

Reserving rights of inhabitants of Duthill and Abernethy as regards Elgin Institution.

A.D. 1870.

Court-house
at Grantown
to be joint
property of
two counties.

10. The court-house erected in the village of Grantown, in virtue of the provisions of the "Sheriff Court-Houses (Scotland) Act, 1860," shall, from and after the passing of this Act, be vested in and become the property of the Commissioners of Supply of the county of Inverness and the Commissioners of Supply of the county of Elgin, jointly, for the joint use and benefit of those counties, excepting the police station, or the rooms in that court-house set apart for the use of a police constable, with the cells thereto attached, which shall be vested in and become the property of the Commissioners of Supply of the county 10 of Elgin.

Payment of
proportion
of expense of
court-house
by county of
Elgin and
county of
Inverness.

11. The Commissioners of Supply of the county of Elgin shall, on or before the *fifteenth day of May one thousand eight hundred and seventy*, pay to the Commissioners of Supply of the county of Inverness the sum of , being 15 one half of the proportion of the expense of erecting the said court-house, disbursed by the Commissioners of Supply of the county of Inverness, and the further sum of , being the whole expense of the said police station, or rooms and cells, disbursed by them, with interest at *five pounds* 20 per centum per annum on those sums respectively from the *fifteenth day of May one thousand eight hundred and seventy*, till paid.

Provision
for raising
money by
county of
Elgin.

12. For the purpose of raising the money necessary to pay for the said court-house to the Commissioners of Supply of the county 25 of Inverness, the Commissioners of Supply of the county of Elgin may raise and levy by assessment, in the manner provided by the "Sheriff Court-Houses (Scotland) Act, 1860," a sum not exceeding *pounds sterling*; and for the purpose of raising the money necessary to pay for the said police station, or rooms and 30 cells, they may raise and levy by assessment, in the manner provided by the Act twenty and twenty-one Victoria, chapter seventy-two, the sum of *pounds sterling*; and for the purpose of raising such sums of money the provisions of the "Sheriff Court-Houses (Scotland) Act, 1860," and the Act twenty 35 and twenty-one Victoria, chapter seventy-two relative to assessments, and the levying and recovering of the same, are incorporated with, and form part of, this Act.

Sheriff of
Inverness
may hold
courts under
Small Debt
Act within

13. And whereas there is no place in the upper district of the county of Inverness where circuit courts can conveniently be held, 40 except the village of Grantown, which is situate in the district by this Act annexed to the county of Elgin: Therefore, notwithstanding

the provisions of this Act, the sheriff of the county of Inverness, or his substitutes, may respectively grant warrants and hold courts for the trial of all causes under the Act one Victoria, chapter forty-one, as extended by the Act sixteen and seventeen Victoria, chapter 5 eighty, and also under the Act thirty and thirty-one Victoria, chapter ninety-six, and he or they may respectively pronounce judgment therein, and act otherwise with respect thereto, within the said village of Grantown, in the same way, and to the same effect in all respects, as if such courts were held, and warrants 10 granted, and judgments pronounced, and acts done within the county of Inverness; and the sheriff-clerk and officers of the county of Inverness may issue summonses and other writs and perform the other duties authorized by the last-recited Acts within the village of Grantown in like manner as within the county of 15 Inverness.

A.D. 1870.
village of
Grantown.

14. Notwithstanding the provisions of this Act, the justices of the peace of the county of Inverness may grant warrants, and hold courts for the trial of all causes, and for the disposal of all matters falling under their jurisdiction, and they may pronounce judgment 20 therein, and act otherwise with respect thereto, within the said village of Grantown, in the same way and to the same effect in all respects as if such courts were held, and warrants granted, and judgments pronounced, and acts done within the county of Inverness; and the clerk of the peace and officers of the county of 25 Inverness may issue summonses and other writs, and perform all the other duties pertaining to their offices, within the village of Grantown in like manner as within the county of Inverness.

Justices of
the peace for
Inverness
may hold
courts within
the village
of Grantown.

15. Nothing herein contained shall affect any assessment due to or imposed by the Commissioners of Supply of the county of 30 Inverness, or of the county of Elgin, or the Elgin County Road Trustees respectively, previous to the passing of this Act, but the same shall be paid and may be recovered in the same manner and to the same effect as if this Act had not been passed; and nothing herein contained shall affect any action or proceeding instituted, 35 raised, or depending before any court, civil or criminal, previous to the passing of this Act, and the same may be proceeded with, determined, and followed forth by diligence or otherwise as if this Act had not been passed.

Saving
assessments,
&c. already
imposed.

16. All costs, charges, and expenses of and incident to the pre- 40 paring for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners of Supply of

Expenses of
Act.

A.D. 1870. — the county of Inverness, and the Commissioners of Supply of the county of Elgin, in equal moieties, out of the county general assessments levied by them respectively, under the provisions of "The County General Assessment Act, 1867."

SCHEDULE A.

A.D. 1870.

Description of District transferred to County of Inverness.

The whole parish of Duthil. Those parts of the united parish of Cromdale and Inverallan on the north side of the River Spey lying to the west and
 5 south of the following line, viz. :—From the mouth of the River Dulnan, where it enters the River Spey, up the River Dulnan to the point where the Burn called the Muckrach or Findlarigg Burn enters it; and thence up the Muckrach or Findlarigg Burn to a point thereon where a stone marked
 10 “County Boundary” has been placed five hundred and seventy-two yards or thereby, measuring in a straight line from the well called Fuaranahanish Well, lying on the south side of the hill called Beinmore; and from the last-mentioned point on the said Muckrach or Findlarigg Burn in a straight line to the said well, which is a point on the present boundary between the counties of Inverness and Elgin or Moray. The whole parish of Abernethy
 15 as well those parts of the same situated in the county of Elgin or Moray as those parts situated in the county of Inverness.

SCHEDULE B.

Description of District transferred to County of Elgin or Moray.

Those parts and portions of the united parish of Cromdale and Inverallan,
 20 on the north side of the River Spey, lying to the north and east of the following line, viz. :—From the mouth of the River Dulnan, where it enters the River Spey, up the River Dulnan to the point where the Burn called the Muckrach or Findlarigg Burn enters it; thence up the Muckrach or Findlarigg Burn to a point thereon where a stone marked “County Boundary” has been
 25 placed five hundred and seventy-two yards or thereby, measuring in a straight line from the well called Fuaranahanish Well, lying on the south side of the hill called Beinmore; and from the last-mentioned point on the said Muckrach or Findlarigg Burn in a straight line to the said well, which is a point on the present boundary between the counties of Inverness and Elgin or Moray.
 30 Those parts of the united parish of Cromdale and Inverallan lying on the south side of the River Spey.

Inverness County, &c. (Boundary).

A

B I L L

To define the boundary between the
counties of Inverness and Elgin or
Moray, in the district of Strathspey;
and for other purposes.

(Prepared and brought in by
Mr. Cuneen, Colonel Grant, and
Mr. Mackintosh.)

Ordered, by The House of Commons, to be Printed,
21 February 1870.

[Bill 38.]

Under 1 oz.

A
B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Define the boundary between the counties of Inverness and Elgin or Moray, in the district of Strathspey ; and for other purposes. A.D. 1870.

WHEREAS doubts exist with respect to the boundary between the county of Inverness and the county of Elgin or Moray (herein-after called the county of Elgin), in the district of Strathspey :

- 5 And whereas certain parts of the county of Elgin, and certain parts of the county of Inverness, situated in the same district, and comprehending the parishes, or portions of the parishes, of Duthil and Abernethy, and of the united parish of Cromdale and Inver-
- 10 allan, are wholly or partially detached from their respective counties, and it will be for public advantage that the boundary between those counties in the district of Strathspey should be defined, and that the detached portions of the county of Elgin should be annexed to and form part of the county of Inverness, and that the detached parts of the county of Inverness should be
- 15 annexed to and form part of the county of Elgin :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 20 1. This Act may be cited for all purposes as "The Inverness and Elgin County Boundaries Act, 1870." Short title.

2. Those parts and portions of the counties of Elgin and Inverness described in the schedule A. annexed to this Act, whether the same shall heretofore have been locally situated within the county
- 25 of Elgin or the county of Inverness, shall, from and after the fifteenth day of May one thousand eight hundred and seventy, be held to be, and be, for all purposes whatsoever, except in so far as herein-after provided, part of the county, sheriffdom, and commissariat of Inverness.

Portions of
counties
transferred
to the
county of
Inverness.

[Bill 82.]

A

A.D. 1870.

Portions of
counties
transferred
to county of
Elgin.

3. Those parts and portions of the counties of Inverness and Elgin described in the schedule B. annexed to this Act, whether the same shall heretofore have been locally situated within the county of Inverness or the county of Elgin, shall, from and after the fifteenth day of May one thousand eight hundred and seventy, be held to be, and be, for all purposes whatsoever, except in so far as herein-after provided, part of the county and sheriffdom of Elgin and commissariat of Elgin and Nairn. 5

Certain
roads and
bridges
transferred
to Com-
missioners of
Supply of
county of
Inverness.

4. From and after the fifteenth day of May one thousand eight hundred and seventy, the roads and bridges presently maintained by the Elgin County Road Trustees under "The Elgin and Nairn Roads and Bridges Act, 1863," upon or within the district described in the schedule A. annexed to this Act, shall form part of the roads and bridges under the management and control of the Commissioners of Supply of the county of Inverness, and the assessment authorized to be levied by the "Highland Roads and Bridges Act, 1862," shall apply to and may be levied by the Commissioners of Supply of the county of Inverness upon and within the said district in like manner and to the same effect as if that district had formed part of the county of Inverness at the passing of the last-mentioned Act. 10 15 20

Certain
roads and
bridges
transferred
to Elgin
County Road
Trustees.

5. From and after the fifteenth day of May one thousand eight hundred and seventy, the roads and bridges upon or within the district described in the schedule B. annexed to this Act shall form part of the roads and bridges under the management and control of the Elgin County Road Trustees acting under "The Elgin and Nairn Roads and Bridges Act, 1863," and the assessments authorized to be levied by that Act shall apply to and may be levied by the said Trustees upon and within the said district, in like manner and to the same effect as if that district had formed part of the county of Elgin at the passing of that Act. 25 30

As to con-
tracts for
maintenance
of roads.

6. From and after the fifteenth day of May one thousand eight hundred and seventy, all contracts for the maintenance and repair of the roads and bridges throughout the district described in the schedule A. annexed to this Act shall cease and determine as regards the Elgin County Road Trustees, or any person or persons acting on their behalf, except in regard to any claims due and payable by the trustees prior to the said fifteenth day of May one thousand eight hundred and seventy; and such contracts shall thereafter be binding on and may be enforced by and against the Commissioners of Supply of the county of Inverness, acting under the "Highland Roads and Bridges Act, 1862," as fully and effec- 35 40

A.D. 1870.

tually as the same would have been binding on or might have been enforced by and against the Elgin County Road Trustees; and in like manner, from and after the said fifteenth day of May one thousand eight hundred and seventy, all contracts for the maintenance
 5 and repair of the roads and bridges throughout the district described in the schedule B. annexed to this Act shall cease and determine as regards the Commissioners of Supply of the county of Inverness, or the District Road Trustees of that county, or any person or persons acting on their behalf, except in regard to any claims due and
 10 payable by those Commissioners, or the District Trustees, prior to the said fifteenth day of May one thousand eight hundred and seventy, and such contracts shall thereafter be binding on and may be enforced by and against the Elgin County Road Trustees as fully and effectually as the same would have been binding on
 15 or might have been enforced by and against the said Commissioners or District Road Trustees.

7. Nothing herein contained shall affect the right of the present ministers of the parishes of Cromdale, Abernethy, and Duthil, so long as they shall continue ministers of those parishes respectively,
 20 to be paid their stipends, according to the fiars prices of the county by which they are entitled to be paid at the date of the passing of this Act.

Reserving rights of ministers with respect to stipends.

8. Nothing herein contained shall affect the right of the present or future schoolmasters of the parish schools of the parishes of
 25 Duthil and Abernethy, in the county of Elgin, to participate in the benefits of the bequest of the late James Dick, esquire, of Finsbury Square, London, commonly called the Dick Bequest; but the schoolmasters of those parishes shall be entitled to all the benefits of the said bequest in the same way and manner as if the parishes
 30 of Duthil and Abernethy had continued to be locally situated in the county of Elgin.

Reserving rights of schoolmasters to Dick Bequest.

9. Nothing herein contained shall affect the right of the inhabitants of the parishes of Duthil and Abernethy to be admitted into and to participate in the benefits of "The Elgin Institution for the
 35 "Support of Old Age and Education of Youth," established under the will of the late Major-General Andrew Anderson, of the late Honourable East India Company's service; but the inhabitants of those parishes shall be entitled to all the benefits of that institution in the same way and manner as if those parishes had continued to
 40 be locally situate in the county of Elgin.

Reserving rights of inhabitants of Duthill and Abernethy as regards Elgin Institution.

A.D. 1870.

Court-house
at Grantown
to be joint
property of
two counties.

10. The court-house erected in the village of Grantown, in virtue of the provisions of the "Sheriff Court-Houses (Scotland) Act, 1860," shall, from and after the passing of this Act, be vested in and become the property of the Commissioners of Supply of the county of Inverness and the Commissioners of Supply of the county of Elgin, jointly, for the joint use and benefit of those counties, excepting the police station, or the rooms in that court-house set apart for the use of a police constable, with the cells thereto attached, which shall be vested in and become the property of the Commissioners of Supply of the county 10 of Elgin.

Payment of
proportion
of expense of
court-house
by county of
Elgin and
county of
Inverness.

11. The Commissioners of Supply of the county of Elgin shall, on or before the fifteenth day of May one thousand eight hundred and seventy, pay to the Commissioners of Supply of the county of Inverness the sum of three hundred and seventy-one 15 pounds sterling towards the expense of erecting the said court-house, disbursed by the Commissioners of Supply of the county of Inverness, and the further sum of five hundred and two pounds sterling, being the whole expense of the said police station, or rooms and cells, disbursed by them, with interest at five pounds 20 per centum per annum on those sums respectively from the fifteenth day of May one thousand eight hundred and seventy, till paid.

Provision
for raising
money by
county of
Elgin.

12. For the purpose of raising the money necessary to pay for the said court-house to the Commissioners of Supply of the county 25 of Inverness, the Commissioners of Supply of the county of Elgin may raise and levy by assessment, in the manner provided by the "Sheriff Court-Houses (Scotland) Act, 1860," a sum not exceeding four hundred and twenty pounds sterling; and for the purpose of raising the money necessary to pay for the said police station, or 30 rooms and cells, they may raise and levy by assessment, in the manner provided by the Act twenty and twenty-one Victoria, chapter seventy-two, the sum of five hundred and fifty pounds sterling; and for the purpose of raising such sums of money the provisions of the "Sheriff Court-Houses (Scotland) Act, 1860," 35 and the Act twenty and twenty-one Victoria, chapter seventy-two relative to assessments, and the levying and recovering of the same, are incorporated with, and form part of, this Act.

Sheriff of
Inverness
may hold
courts under
Small Debt
Act within

13. And whereas there is no place in the upper district of the county of Inverness where circuit courts can conveniently be held, 40 except the village of Grantown, which is situate in the district by this Act annexed to the county of Elgin: Therefore, notwithstanding

the provisions of this Act, the sheriff of the county of Inverness, or his substitutes, may respectively grant warrants and hold courts for the trial of all causes under the Act one Victoria, chapter forty-one, as extended by the Act sixteen and seventeen Victoria, chapter eighty, and also under the Act thirty and thirty-one Victoria, chapter ninety-six, and also under the Act twenty-seven and twenty-eight Victoria, chapter fifty-three, and he or they may respectively pronounce judgment therein, and act otherwise with respect thereto, within the said village of Grantown, in the same way, and to the same effect in all respects, as if such courts were held, and warrants granted, and judgments pronounced, and acts done within the county of Inverness; and the sheriff-clerk and officers of the county of Inverness may issue summonses and other writs and perform the other duties authorized by the last-recited Acts within the village of Grantown in like manner as within the county of Inverness.

A.D. 1870.

village of
Grantown.

14. Notwithstanding the provisions of this Act, the justices of the peace of the county of Inverness may grant warrants, and hold courts for the trial of all causes, and for the disposal of all matters falling under their jurisdiction, and they may pronounce judgment therein, and act otherwise with respect thereto, within the said village of Grantown, in the same way and to the same effect in all respects as if such courts were held, and warrants granted, and judgments pronounced, and acts done within the county of Inverness; and the clerk of the peace and officers of the county of Inverness may issue summonses and other writs, and perform all the other duties pertaining to their offices, within the village of Grantown in like manner as within the county of Inverness.

Justices of
the peace for
Inverness
may hold
courts within
the village
of Grantown.

15. Nothing herein contained shall affect any assessment due to or imposed by the Commissioners of Supply of the county of Inverness, or of the county of Elgin, or the Elgin County Road Trustees respectively, previous to the passing of this Act, but the same shall be paid and may be recovered in the same manner and to the same effect as if this Act had not been passed; and nothing herein contained shall affect any action or proceeding instituted, raised, or depending before any court, civil or criminal, previous to the passing of this Act, and the same may be proceeded with, determined, and followed forth by diligence or otherwise as if this Act had not been passed.

Saving
assessments,
&c. already
imposed.

16. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in

Expenses of
Act.

A.D. 1870. — relation thereto, shall be paid by the Commissioners of Supply of the county of Inverness, and the Commissioners of Supply of the county of Elgin, in equal moieties, out of the county general assessments levied by them respectively, under the provisions of "The County General Assessment Scotland Act, 1868."

SCHEDULE A.

A.D. 1870.

Description of District transferred to County of Inverness.

The whole parish of Duthil. Those parts of the united parish of Cromdale and Inverallan on the north side of the River Spey lying to the west and south of the following line, viz. :—From the mouth of the River Dulnan, where it enters the River Spey, up the River Dulnan to the point where the Burn called the Muckrach or Findlarigg Burn enters it; and thence up the Muckrach or Findlarigg Burn to a point thereon where a stone marked “County Boundary” has been placed five hundred and seventy-two yards or thereby, measuring in a straight line from the well called Fuaranahanish Well, lying on the south side of the hill called Beinmore; and from the last-mentioned point on the said Muckrach or Findlarigg Burn in a straight line to the said well, which is a point on the present boundary between the counties of Inverness and Elgin or Moray. The whole parish of Abernethy as well those parts of the same situated in the county of Elgin or Moray as those parts situated in the county of Inverness.

SCHEDULE B.

Description of District transferred to County of Elgin or Moray.

Those parts and portions of the united parish of Cromdale and Inverallan, on the north side of the River Spey, lying to the north and east of the following line, viz. :—From the mouth of the River Dulnan, where it enters the River Spey, up the River Dulnan to the point where the Burn called the Muckrach or Findlarigg Burn enters it; thence up the Muckrach or Findlarigg Burn to a point thereon where a stone marked “County Boundary” has been placed five hundred and seventy-two yards or thereby, measuring in a straight line from the well called Fuaranahanish Well, lying on the south side of the hill called Beinmore; and from the last-mentioned point on the said Muckrach or Findlarigg Burn in a straight line to the said well, which is a point on the present boundary between the counties of Inverness and Elgin or Moray. Those parts of the united parish of Cromdale and Inverallan lying on the south side of the River Spey.

Inverness County, &c. (Boundary).

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B I L L

[AS AMENDED BY THE SELECT
COMMITTEE]

To define the boundary between the
counties of Inverness and Elgin or
Moray, in the district of Strathspey;
and for other purposes.

(Prepared and brought in by
*Mr. Cameron, Colonel Grant, and
Mr. Mackintosh.*)

*Ordered, by The House of Commons, to be Printed,
21 March 1870.*

[Bill 82.]

Under 1 oz.

Irish Land Bill.

ARRANGEMENT OF CLAUSES.

PART I.

LAW OF COMPENSATION TO TENANTS.

Claim to Compensation.

Clause.

1. Legality of Ulster tenant-right custom.
2. Legality of tenant-right custom other than Ulster custom.
3. Compensation in absence of custom.
4. Compensation in respect of improvements. Exception of certain improvements. Exception of certain tenancies.
5. Presumption in respect of improvements.
6. Compensation in respect of payment to incoming tenant.
7. Compensation in respect of crops.
8. Limitation as to disturbance in holding.
9. Derivative title of tenant.
10. Partial exemption of certain tenancies.
11. Exemption of certain lands.

Proceedings to obtain Compensation.

12. Proceedings by tenant.
13. Proceedings by landlord.
14. Equities between landlord and tenant.
15. Provision in case of derivative estates in the same holding.
16. Lease in lieu of compensation.
17. Restriction on eviction of tenant.

Court to award Compensation.

18. Court to mean Civil Bill Court or Court of Arbitration.
19. Civil Bill Court.
20. Appeal from Civil Bill Court.
21. Court of Arbitration.

Powers of limited Owners.

22. "Limited owner."
23. Agreement by limited owner.
24. Power of limited owner to lease.
25. Effect of lease by limited owner.
26. Leasing powers of Act to be cumulative.
27. Rules for carrying first part of Act into effect.

PART II.

Sale of Land to Tenants.

Clause.

28. Application to Board of Works for sale of holding.
 29. Restrictions on sale of holding.
 30. Sale of holding by Board.
 31. Payment of purchase money.
 32. Estate of purchaser to be free from incumbrances.
 33. Certain charges not incumbrances.
 34. Distribution of purchase money.
 35. Costs of sale.
 36. Cost of distribution of purchase money.
 37. General powers of Court and Board in conduct of sale of land.
 38. Rules for carrying second part of Act into effect.
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PART III.

Advances by and Powers of Board.

39. Advances to landlords for compensation for improvements.
 40. Advances to landlords for improvement of waste lands.
 41. Advances to tenants for purchase of holdings.
 42. Advances to tenants for purchases of holdings in Landed Estates Court.
 43. Landed Estates Court to afford facilities for purchase by occupying tenants.
 44. Advances to facilitate purchases of entire estates.
 45. Advances charged on estate by way of annuity.
 46. Recovery of annuity.
 47. Arrears of annuity.
 48. Power of owner to redeem annuity.
 49. Power of Board to commute and compromise.
 50. Control of Board by Treasury, &c.
 51. Issues of moneys to Board.
 52. Repayment to Consolidated Fund of advance.
 53. Duty of Civil Bill Court as to charging orders.
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PART IV.

SUPPLEMENTAL PROVISIONS.

As to Legal Proceedings and Court.

54. Duty on notice to quit.
55. Regulations as to notice to quit.

Clause.

- 56. Administration on death of tenant.
 - 57. Provision as to married women.
 - 58. Provision as to other persons under disability.
 - 59. Additional sittings of Civil Bill Court.
 - 60. Additional salaries to judges and officers of Civil Bill Courts.
 - 61. Appointment of substitute in Civil Bill Court.
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PART V.

Miscellaneous.

- 62. Mode of payment of grand jury cess in certain cases.
- 63. Where value of premises does not exceed 4*l.* immediate lessor to pay grand jury cess.
- 64. Tenancies at will.

Definitions.

- 65. General definitions :

- Person.
- County.
- Prescribed.
- Lease.
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- 66. Special definitions :

- Holding.
- Landlord.
- Tenant.

- Improvements.

- 67. Short title of Act.

- 68. Application of Act.

SCHEDULE.

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B I L L

TO

Amend the Law relating to the Occupation and Ownership of Land in Ireland. A.D. 1870.

WHEREAS it is expedient to amend the law relating to the occupation and ownership of land :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

LAW OF COMPENSATION TO TENANTS.

Claim to Compensation.

- 10 1. The usage prevalent in the province of Ulster, with reference to the compensation to be made or allowed to or on account of an outgoing tenant of a holding, (and which usage is commonly known and in this Act referred to as the Ulster tenant-right custom,) is hereby declared to be a legal custom, and shall in the
- 15 case of any holding in the province of Ulster proved to be subject to such custom, be enforced in manner provided by this Act.

Legality of
Ulster
tenant-right
custom.

Where the landlord has purchased from the tenant the Ulster tenant-right custom to which his holding is subject, such holding shall thenceforth cease to be subject to the Ulster tenant-right

20 custom.

The tenant of a holding, proved to be subject to the Ulster tenant-right custom, shall not be entitled to compensation under any other provision of this Act.

- 25 2. Where in any place not situate within the province of Ulster a tenant is disturbed in his holding by the act of the landlord, and such holding is proved to be subject to a usage by virtue of which compensation is made or allowed to or on account of an out-going tenant of a holding, the tenant so disturbed shall,

Legality of
tenant-right
custom other
than Ulster
custom.

[Bill 29.]

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A.D. 1870. be entitled to such compensation as the Court may find to be payable to him according to the usage to which the holding is proved to be subject.

Provided that—

- (1.) Out of any moneys payable to the tenant under this section 5
all sums due to the landlord from the tenant in respect of arrears of rent, or in respect of any deterioration of the holding arising from non-observance on the part of the tenant of any express or implied covenant or agreement shall be paid to the landlord: 10
- (2.) A tenant who at any time after the passing of this Act subdivides or sublets such holding without the consent of the landlord, or lets the same or any part thereof in conacre after having been forbidden so to do by the landlord, shall not nor shall any sub-tenant of or under any such tenant 15
as last aforesaid, be entitled to any compensation under this section, with this qualification, that the letting by a tenant of a portion of land to agricultural labourers bonâ fide required for the cultivation of the holding for cottages or gardens, not exceeding half an acre in each case, shall 20
not be deemed to be a subdivision or sub-letting of land for the purposes of this section :
- (3.) A tenant of a holding under a lease made after the passing of this Act, and granted for a term certain of not less than thirty-one years, shall not be entitled under this section 25
to any compensation, but he may claim compensation under section four of this Act in respect of such improvements as consist of permanent buildings and reclamation of land, or of tillages or manures, the benefit of which tillages or manures is unexhausted at the time of the 30
tenant quitting his holding.

Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section shall, so far as the same relates to such claim, be void. 35

Where the landlord has purchased from the tenant of any holding the right of the tenant under such usage as is mentioned in this section, such holding shall thenceforth cease to be subject to such usage.

Compensation in absence of custom.

3. Where the tenant of any holding held by him under a tenancy 40
created after the passing of this Act is not entitled to compensation under sections one and two of this Act, or either of such sections,

and is disturbed in his holding by the act of the landlord, he may, if not excluded by the provisoes annexed to this section, apply for compensation under this section, and thereupon shall be entitled to such compensation to be paid by the landlord as the Court may think just, regard being had to the improvements on his holding made by the tenant or his predecessors in title other than such improvements as are in this section specially provided for, and to the loss sustained by him in quitting his holding, so that the sum awarded does not exceed the scale following; that is to say,

10 In the case of holdings valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of—

(1.) £10 and under, a sum not exceeding *seven* years rent.

15 (2.) Above £10 and not exceeding £50, a sum not exceeding *five* years rent.

(3.) Above £50 and not exceeding £100, a sum not exceeding *three* years rent.

(4.) Above £100, a sum not exceeding *two* years rent.

20 Provided that where any tenant entitled to compensation comes under either the second, third, or fourth divisions of the said scale, the Court, instead of awarding him compensation under such division, may award him under the division immediately preceding compensation not exceeding such sum as he would be entitled to under that division on the assumption that the
25 annual value of his holding is reduced to the sum, or (where two sums are stated) the highest sum stated in such preceding division, and that his rent is proportionately reduced.

A tenant applying under this section may make a separate claim for compensation in respect of improvements on his holding consisting of permanent buildings suitable to the holding or reclamation
30 of land, and upon such claim being substantiated to the satisfaction of the Court, the Court shall, in addition to any compensation awarded to him under the previous provisions of this section, award to him such further compensation as the Court deems adequate in
35 respect of such permanent buildings or reclamation of land.

Provided that,—

(1.) Out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of arrears of rent, or in respect of any deterioration of a
40 holding arising from non-observance on the part of the tenant of any express or implied covenant or agreement may be deducted by the landlord.

A.D. 1870.

(2.) A tenant who at any time after the passing of this Act subdivides or sublets such holding without the consent of the landlord, or lets the same or any part thereof in conacre after having been forbidden so to do by the landlord, shall not, nor shall any sub-tenant of or under any such tenant 5 as last aforesaid be entitled to any compensation under this section with this qualification, that, the letting by a tenant of a portion of land to agricultural labourers bonâ fide required for the cultivation of the holding for cottages or gardens, not exceeding half an acre in each case, shall 10 not be deemed to be a subdivision or sub-letting of land for the purposes of this section :

(3.) A tenant of a holding under a lease made after the passing of this Act, and granted for a term certain of not less than thirty-one years shall not be entitled to any compensation 15 under this section, but he may claim compensation under section four of this Act in respect of such improvements as consist of permanent buildings and reclamation of land, or of tillages or manures, the benefit of which tillages or manures is unexhausted at the time of the tenant quitting 20 his holding.

The tenant of any holding held by him under a tenancy from year to year existing at the time of the passing of this Act shall, if disturbed by the Act of his immediate landlord, be entitled to compensation under and subject to the provisions of this section. 25

Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section, shall, so far as relates to such claim, be void.

The Court in awarding compensation to any tenant under this 30 section shall have regard to the provisions of section four of this Act relating to improvements, and no person shall be entitled to compensation under this section in respect of any improvements in respect of which he would not be entitled to compensation if he were claiming under section four of this Act. 35

Compensation in respect of improvements.

4. Any tenant of a holding who is not entitled to compensation under sections one and two of this Act, or either of such sections, and is not entitled or if entitled has not obtained compensation under section three of this Act, may claim compensation to be paid by the landlord under this section in respect of all improvements 40 on his holding made by him or his predecessors in title.

Provided that,—

A.D. 1870.

- (1.) A tenant shall not be entitled to any compensation in respect of any of the improvements following, that is to say,—

Exception of certain improvements.

(a) In respect of any improvement made twenty years before the passing of this Act except permanent buildings and reclamation of land; or,

(b.) In respect of any improvement prohibited in writing by the landlord as being and appearing to the Court to be calculated to diminish the general value of the landlord's estate and made within *two* years after the passing of this Act or made during the unexpired residue of a lease granted before the passing of this Act; or,

(c.) In respect of any improvement made either before or after the passing of this Act in pursuance of a contract entered into for valuable consideration; or,

(d.) (Subject to the rule in this section mentioned as to contracts) in respect of any improvement made, either before or after the passing of this Act, in contravention of a contract in writing not to make such improvement; or,

(e.) In respect of any improvement made either before or after the passing of this Act, which the landlord has undertaken to make, except in cases where the landlord has failed to perform his undertaking within a reasonable time.

- (2.) A tenant of a holding under a lease or written contract made before the passing of this Act shall not be entitled on being disturbed by the act of the landlord in or on quitting his holding to any compensation in respect of any improvement, his title to which is excluded by such lease or contract:

Exception of certain tenancies.

- (3.) A tenant of a holding under a lease made either before or after the passing of this Act, for a term certain of not less than *thirty-one* years shall not be entitled to any compensation in respect of any improvement, except permanent buildings and reclamation of land: and tillages or manures, the benefit of which tillages or manures is unexhausted at the time of the tenant quitting his holding:

- (4.) A tenant of a holding, who is quitting the same voluntarily, shall not be entitled to any compensation in respect of any

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A.D. 1870.

improvement when it appears to the Court that such tenant has been given permission by his landlord to dispose of his interest in his improvements to an incoming tenant upon such terms as the Court may deem reasonable, and the tenant has refused or neglected to avail himself of such permission :

- (5.) Out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of arrears of rent, or in respect of any deterioration of the holding arising from non-observance on the part of the tenant of any express or implied covenant or agreement shall be paid to the landlord.

Any contract between a landlord and a tenant whereby the tenant is prohibited from making such improvements as may be required for the suitable occupation of his holding and its cultivation in a due course of husbandry, shall be void both at law and in equity, but no improvement shall be deemed to be required for the suitable occupation of a tenant's holding and its cultivation in a due course of husbandry, which appears to the Court to diminish the general value of the estate of the landlord.

Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section shall, so far as relates to such claim, be void.

Where a tenant has made any improvements before the passing of this Act, on a holding held by him under a tenancy existing at the time of the passing thereof, the Court in awarding compensation to such tenant in respect of such improvements shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, also the rent at which such holding has been held and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made.

Presumption
in respect of
improvements.

5. For the purposes of compensation under this Act in respect of improvements on a holding which is not proved to be subject either to the Ulster tenant-right custom or to such usage as aforesaid, all improvements on such holding shall, until the contrary is proved, be deemed to have been made by the tenant or his predecessors in title.

Compensation in
respect of

6. Where any tenant of a holding is not entitled to compensation under sections one and two of this Act or either of such sections, and

is not entitled or if entitled has not obtained compensation under section three of this Act, then if it is proved to the satisfaction of the Court that any such tenant on coming into his holding paid money or gave money's worth with the express or implied consent of the landlord on account of his so coming into his holding, the Court shall award to such tenant in respect of the sum so paid such compensation as it thinks just, having regard to the circumstances of the case, with this qualification, that a tenant of a holding who quits the same voluntarily shall not be entitled to any compensation under this section when it appears to the Court that such tenant has been given permission by the landlord to obtain such satisfaction from an incoming tenant in respect of the money so paid, or the money's worth so given by him, and on such terms as the Court may think reasonable, and such tenant has refused or neglected to avail himself of such permission; moreover where the money or money's worth paid or given by any tenant claiming compensation under this section on coming into his holding was paid or given in whole or in part in respect of any improvements on his holding, care shall be taken that such tenant shall not receive compensation in respect of the same improvements under this section and also under some other section of this Act.

A.D. 1870.

—
payment to
incoming
tenant.

7. Where a holding is proved to be subject to the Ulster tenant-right custom, or such usage as aforesaid, the compensation payable in respect of away-going crops, shall be dealt with according to the custom or usage, but the tenant of every other holding, which is not proved to be subject to Ulster tenant-right custom, or such usage as aforesaid, shall on quitting his holding, be entitled to all his away-going crops or at the option of the landlord to be paid the value of the same.
8. For the purposes of this Act ejectment for nonpayment of rent shall not be deemed disturbance of the tenant by act of the landlord, unless the Court decides that it ought on special grounds to be so deemed in the case of a person claiming compensation on the determination of a tenancy existing at the time of the passing of this Act; and for the purposes of this Act a person who is ejected for nonpayment of rent, and is not disturbed by act of the landlord within the meaning of this Act, shall stand in the same position in all respects as if he were quitting his holding voluntarily.
9. For the purposes of this Act a tenant shall be deemed to have derived his holding from the preceding tenant if he has paid to such preceding tenant any money or given to him any money's worth in respect of his holding, or has taken such holding by

Compensa-
tion in re-
spect of
crops.

Limitation
as to disturb-
ance in hold-
ing.

Derivative
title of
tenant.

A.D. 1870. — assignment or operation of law from the preceding tenant; and where a succession of tenants have derived title each from the other the earlier in such succession shall be deemed to be the predecessor of the later, and the later in such succession shall be deemed to be the successor of the earlier. 5

Partial
exemption
of certain
tenancies.

10. Notwithstanding anything in this Act contained, a tenant of a holding which is not proved to be subject to the Ulster tenant-right or such other usage as aforesaid valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than *fifty* pounds, and held under a lease, granted after the passing of this Act for a term of not less than *twenty-one* years shall be entitled to no compensation under this Act, except in respect of tillages or manures the benefit of which is unexhausted at the time of the tenant quitting his holding; provided it is shown to the satisfaction of the Court that the buildings and other permanent improvements requisite for the suitable occupation of the holding and its cultivation in a due course of husbandry, have been executed by the landlord, or by the tenant for valuable consideration under written agreement with the landlord. And a tenant of a holding which is not proved to be subject to the Ulster tenant right or such other usage as aforesaid, valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than one hundred pounds shall not be entitled to make any claim for compensation under any provision of this Act in cases where the tenant has contracted in writing with his landlord that he will not make any such claim. 15 20 25

Exemption
of certain
lands.

11. No compensation shall be payable under the preceding provisions of this Act in respect of—

- (1.) Any demesne land: or
- (2.) Any holding the tenant of which is a hired labourer or hired servant of the landlord: or 30
- (3.) Any letting in conacre or for the purposes of agistment or for temporary depasturage: or
- (4.) Any holding let and expressed in the document by which it is let to be so let for the temporary convenience or to meet a temporary necessity either of the landlord or tenant, and the letting of which has determined by reason of the cause having ceased which gave rise to the letting. 35

Proceedings to obtain Compensation.

Proceedings
by tenant.

12. Every tenant entitled to compensation under this Act, and about to quit his holding, may within the prescribed time make a requisition on his landlord for payment of the sums due to him by way of compensation under this Act. The requisition shall be 40

in writing in the prescribed form, and shall state the particulars A.D. 1870.
in respect of which such compensation is claimed.

13. On the receipt of the requisition the landlord shall take the
same into his consideration, and shall be deemed to have admitted
5 the claim made by the tenant unless within the prescribed time
and in the prescribed manner he serves a notice on the tenant
stating that he disputes the whole or some portion of the claim made
in the requisition, and upon service of such notice by a landlord on
the tenant a dispute in respect of the payment of compensation
10 shall be deemed to have arisen between the landlord and the tenant
as to the whole or a portion of the claim made by the latter, and
such dispute shall be decided by the Court.

Proceedings
by landlord.

14. On the hearing of any dispute between landlord and tenant
in respect of compensation under this Act, either party may
15 make any claim, urge any objection to the claim of the other,
or plead any set-off such party may think fit (including in the
case of a landlord any moneys paid on account of the purchase
of the right of the tenant under the Ulster tenant-right custom or
such usage as aforesaid), and the Court shall take into consideration
20 any such claim, objection, or set-off, also any such default or un-
reasonable conduct of either party as may appear to the Court to
affect any matter in dispute between the parties, and shall admit,
reduce, or disallow altogether any such claim, objection, or set-off
made or pleaded on behalf of either party as the Court thinks just,
25 giving judgment on the case with regard to all its circumstances,
including such consideration of conduct as aforesaid.

Equities
between
landlord and
tenant.

15. Where in the case of any holding there are several persons
standing in the relation to each other of landlord and tenant and
the circumstance of any one of such tenants quitting his holding by
30 reason of disturbance or otherwise involves the interests of any of
such persons other than the tenant quitting his holding, the Court
shall determine the whole amount payable under this Act on the
occasion of such tenant quitting his holding, and shall direct pay-
ment of the same by such person and to such one or more of the
35 persons interested, and in such manner as the Court thinks just.

Provision in
case of
derivative
estates in
the same
holding.

Provided that this section shall not affect the Ulster tenant-right
custom or such usage as aforesaid to which any holding is proved
to be subject.

16. The landlord, if empowered to lease for a term of *thirty-one*
40 years under this Act or otherwise, may at any time either before or
after a dispute has arisen in relation to compensation or during
the hearing of the case arising from such dispute, or within the

Lease in lieu
of compen-
sation.

A.D. 1870. prescribed time after such hearing, tender to the tenant a lease of his holding for a term certain of not less than *thirty-one* years, upon such terms as the Court may think reasonable. Upon such tender being made, if it be accepted by the tenant, the tenant shall hold under such lease; but if it be not accepted and the tenant quits his holding within *thirty-one* years after the date of such tender, he shall, notwithstanding he may have been disturbed in his holding by his landlord, be entitled only to the same compensation he would be entitled to if he were quitting his holding voluntarily. The landlord may, if the Court thinks it just, be required to pay a portion of the costs incurred in the proceedings before the Court.

This section shall not apply to any holding which is proved to be subject to Ulster tenant-right custom.

Restriction
on eviction
of tenant.

17. A tenant who may be decided by the Court to be entitled to compensation to be paid by any landlord shall not be compelled by process of law to quit his holding until the amount of compensation due to him has been paid or satisfied, and any amount payable shall be deemed to be a debt due to him from such landlord, and the tenant may set off such debt against any rent for the time being due from him to such landlord in respect of his holding.

Court to award Compensation.

Court to
mean Civil
Bill Court
or Court of
Arbitration.

18. For the purposes of this part of this Act the Court shall mean one or other of the tribunals following; that is to say,—

The Civil Bill Court of the county where the matter requiring the cognizance of the Court arises: or,

The Court of Arbitration constituted as in this Act mentioned.

Where a matter requiring the cognizance of the Court arises in respect of a holding situate within the jurisdiction of more than one Civil Bill Court, any Civil Bill Court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter.

Civil Bill
Court.

19. The judge of the Civil Bill Court (herein-after called the chairman) shall in all cases brought before him, under the provisions of this Act, have power to take evidence upon oath, and to compel the attendance of witnesses, and shall have all and the same powers, jurisdiction, and authority as in cases of Civil Bill ejectment coming within his jurisdiction as such judge.

The chairman may, with the consent of both parties, hear and determine any case brought before him under this Act in chamber, if he so thinks fit, and when so sitting in chamber he shall have all and the same powers, jurisdiction, and authority in respect to cases so heard as if sitting in open court.

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The chairman shall have as his assessor a valuator appointed as in this Act is mentioned, and such assessor shall, at the request of the chairman, inspect any holding, or make such inquiries in relation to any holding as the chairman may think necessary, and shall
 5 report the result of such inspection or inquiries to the chairman, and shall further assist the chairman in the discharge of the duties imposed upon him by this Act, by opinion and advice, and in such ways as the chairman may require.

The chairman may, within the prescribed time after making any
 10 order, review or rescind or vary any order previously made by him, but save as aforesaid, and as provided by this Act with respect to appeal, every order of the Civil Bill Court shall be final.

Any order made by the chairman under this Act, may be enforced by attachment or otherwise in the same manner as if it were the
 15 order of any of the superior courts of common law at Dublin, and if such order made by the chairman be for the payment of money, it may also be enforced in the same manner as civil bill decrees for money demands made by such chairman.

The Lord Lieutenant of Ireland may appoint a fit person in each
 20 county to act as valuator and assessor to the chairman of such county. The appointment so made may be expressly limited in time, and shall be upon such conditions as to residence, duties, or otherwise as the Lord Lieutenant may think fit to impose; but whatever the appointment may express, any person appointed
 25 valuator and assessor under this Act shall hold his office at the pleasure of the Lord Lieutenant, and may be dismissed by him at any time without any reason being assigned for such dismissal. There shall be paid to the valuator and assessor *out of moneys provided by Parliament* such salary or such compensation for
 30 specific services as the Lord Lieutenant may, with the consent of the Treasury, direct. The appointment of a valuator and assessor may be made, and his salary or compensation be awarded, if the Lord Lieutenant so decide, on the understanding that his engagement as valuator and assessor does not preclude him from pursuing
 35 some other business, or undertaking some other employment.

20. Any person aggrieved by any order of the chairman made under this Act may, within the prescribed time and in the prescribed manner, appeal therefrom, in manner following, that is to say:—

Appeal from
Civil Bill
Court.

(1.) Where such order has been made in the county or the county
 40 of the city of Dublin to two judges of the superior courts of common law to be from time to time selected by the Court for Land Cases reserved.

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(2.) Where such order has been made elsewhere to the judges of assize of the county in which such order has been made.

And every such appeal shall be heard by the said judges sitting together.

The judges who hear such appeal may give judgment affirming, 5 reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the Court below and of the appeal as may be agreeable to justice; and if the judges alter or modify the order, such order so altered or modified, and signed by the judges, shall be of the like effect as if it were 10 the order of the Civil Bill Court. The judges may also, in cases where they think it expedient so to do, instead of making a final order themselves, remit the case, with such directions as they may think fit, to the Court below.

The judges to whom any such appeal may be made, may, where 15 they deem it expedient, reserve any matter or question arising upon such appeal by way of case stated for the consideration of the Court for Land Cases reserved at Dublin.

The Court for Land Cases reserved at Dublin shall, for the purposes of this Act, be constituted in manner following, that is to say; 20 the Lord Chancellor, the Master of the Rolls, the Puisne Justices of the Court of Queen's Bench, the Puisne Justices of the Court of Common Pleas, and the Puisne Barons of the Court of Exchequer shall be judges of the said Court for Land Cases reserved, and any five of such judges, the Lord Chancellor or Master of the Rolls being 25 one, shall have power to hear and determine any matters that shall be brought before the said Court.

The officers of the Court of Exchequer Chamber shall act as officers of the Court for Land Cases reserved.

All cases referred to the Court for Land Cases reserved shall be 30 prosecuted, heard, and determined by such Court, in such manner and form and subject to such rules and regulations as the said Court may from time to time, by rule direct.

The Court for Land Cases reserved shall give such judgment as ought to have been given in the Court below by the judges thereof, 35 and such judgment shall be of the like effect as if it were the judgment of the said judges, or the Court of Land Cases reserved may remit the case with such directions as they think fit to the Court below.

Court of
Arbitration.

21. Where the parties to any such dispute as aforesaid respecting 40 any holding are desirous that such dispute should be settled by arbitration, they shall, in the prescribed manner and within the prescribed time, refer the same to the valuator appointed to act as

assessor to the chairman of the county in which such holding, or any part thereof, is situate, or to an arbitrator or arbitrators, with an umpire to be appointed in manner appearing in the schedule annexed hereto, and the tribunal so selected shall be deemed in

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5 respect of such dispute the Court of Arbitration under this Act.

The Court of Arbitration shall, in all cases brought before it under this Act, have all and the like powers, jurisdiction, and authority as a Civil Bill Court under this Act, with this exception, that the Court of Arbitration shall have no power to punish persons for
10 contempt, or to enforce its awards; but it may report to the Civil Bill Court the name of any person refusing to give evidence, or to produce documents, or guilty of contempt of the Court when sitting judicially; and the Civil Bill Court may, upon such report, punish the offender in the same manner as if the offence had been committed in, or in
15 respect of a matter under the cognizance of the Civil Bill Court.

The award of the Court of Arbitration may, at the instance of either party, be recorded in the prescribed manner and within the prescribed time in the Civil Bill Court, and when so recorded shall be enforceable as if the same were an order of said Court.

20 No such award shall, so far as relates to the dispute under this Act, be held to be invalid by reason of the violation of or non-compliance with any technical rule of law respecting awards: where such award substantially decides the dispute referred to the Court of Arbitration.

25 No appeal shall lie from an award of the Court of Arbitration, nor shall any such award be removable by certiorari.

Powers of limited Owners.

22. The expression "limited owner" shall in this Act mean as follows: "Limited owner."

30 (1.) Any person entitled under any existing or future settlement at law or in equity, for his own benefit and for the term of his own life, to the possession or receipt of the rents and profits of land, whether subject or not to incumbrances, in which the estate for the time being subject to the trusts
35 of the settlement is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less than *sixty* years, or is an estate for a term of years of which not less than *sixty* are unexpired, or is a greater estate than any of the foregoing estates:

40 (2.) Any body corporate, any corporation sole, ecclesiastical, or lay, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public pur-

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poses, entitled at law or in equity, in the case of freehold land to the fee simple, and in the case of leasehold land to a lease for an unexpired residue of not less than *thirty-one* years, or for a term of years or of lives renewable for ever, or renewable for a period of not less than *thirty-one* 5 years.

Agreement
by limited
owner.

23. A landlord, being a limited owner, shall have power to agree with a tenant as to the amount of compensation payable to him under this Act, and on payment of the same to the tenant, may apply to the Civil Bill Court for an order charging the holding with 10 an annuity in respect of such payment, and the Court, upon being satisfied of such payment having been made, shall charge the holding with an annuity of *seven pounds one shilling and eleven-pence* for every one hundred pounds of the sum so paid to the tenant, and so on in proportion for any less sum, such annuity to be 15 limited in favour of the limited owner, his executors, administrators, and assigns, and to be payable for a term of *twenty-five* years on the anniversary of such date. Any annuity created under this section shall be a charge upon the holding having priority over all estates and interests subsequent to the estate or interest of the 20 limited owner, but subject to any estates or interests having priority over or charged on the estate of the limited owner.

Power of
limited
owner to
lease.

24. Any limited owner shall have power to grant agricultural leases, for any term of years absolute, or determinable at fixed 25 periods, subject to the following restrictions :

- (1.) The term of any lease shall not exceed *thirty-one* years :
- (2.) The power of leasing conferred by this Act shall not include any mansion house or demesne lands.
- (3.) The lease shall take effect in possession, or within one year after the execution thereof, and not in reversion, and there 30 shall be reserved thereby a fair yearly rent, to be incidental to the immediate reversion of the holding without taking anything in the nature of a fine, premium, or foregift; and in estimating such yearly rent it shall not be necessary to take into account against the tenant the 35 increase (if any) in the value of the holding arising from any improvements executed by him :
- (4.) The lease shall imply a condition of re-entry for non-payment of the rent thereby reserved :
- (5.) The lease, if it includes any building, shall contain a clause 40 declaring whether the landlord or the tenant is bound to

rebuild such building in the case of the same being destroyed during any part of the tenancy by fire, lightning, or tempest : A.D. 1870.

- (6.) The lessee shall execute a counterpart of every lease, and shall thereby covenant for the due payment of the rent reserved :

A landlord may, at any time, either before or after a dispute has arisen between himself and his tenant, apply to the Civil Bill Court to confirm any lease proposed to be granted by him under this Act, and such Court may, if it thinks just, confirm or not such lease with or without modifications, and the confirmation of any such lease shall be deemed conclusive evidence of the lease being within the powers of this Act; the confirmation of a lease shall be certified in the prescribed manner.

25. Any lease granted in pursuance of this Act by an individual limited owner shall be valid against the person granting the same, and against all persons entitled to any estate or interest subsequent to the estate or interest of such limited owner; and any lease granted in pursuance of this Act by any limited owner, being a body corporate, corporation sole, trustees for charities, commissioners or trustees for ecclesiastical, collegiate, or other public purposes, shall bind all the estate and interest of such last-mentioned limited owner; but no lease granted by an owner holding himself under a lease shall continue after the expiration of the term granted by such owner's lease.

Effect of
lease by
limited
owner.

26. All powers of leasing given by this Act shall be deemed to be in addition to any other powers any limited owner may possess, and such owner may exercise any other power of leasing vested in him in the same manner as if this Act were not passed.

Leasing
powers of
Act to be
cumulative.

27. The Court for Land Cases reserved, or any five of the judges of the said Court (the Lord Chancellor or Master of the Rolls being one) may from time to time make, and when made may rescind, annul, or add to rules with respect to the following matters :—

Rules for
carrying
first part of
Act into
effect.

- (1.) The proceedings in the Civil Bill Court and Court of Arbitration under this part of this Act :
- (2.) The proceedings in Appeals under this part of this Act :
- (3.) The proceedings in Land Cases reserved under this part of this Act :
- (4.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution :
- (5.) The scale of costs and fees to be charged in carrying this part of this Act into execution, and the taxation of such

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costs and fees, and the persons by whom such costs and charges are to be paid, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged :

(6.) The service of notices, and any other matter by this part of this Act directed to be prescribed : 5

(7.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this part of this Act into effect.

Any rules made in pursuance of this section shall be deemed to 10 be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, 15 within three weeks after the beginning of the then next session of Parliament.

PART II.

Sale of Land to Tenants.

Application
to Board of
Works for
sale of hold-
ing.

28. Subject to the restrictions herein-after mentioned the landlord 20 and tenant of any holding in Ireland may agree for the sale of the holding to the tenant at such price as may be fixed between them ; and upon such agreement being made they may jointly, or either of them may separately, with the assent of the other, apply to the Commissioners of Public Works in Ireland, in this Act referred to 25 as " the Board " for the conveyance to the tenant of his holding.

Restrictions
on sale of
holding.

29. No sale shall be made under this part of this Act unless the landlord is the absolute owner of the land which forms the holding of the tenant, or such tenant for life as is in this section mentioned.

" Absolute owner " shall in the case of freehold land mean the 30 owner in fee simple, and in the case of leasehold land mean the owner of the whole interest in the lease under which the land is held.

No holding of leasehold tenure shall be sold under this part of this Act unless the lease under which the landlord is possessed of the 35 land which forms the holding is a lease for lives or years renewable for ever, or a lease for a term of years of which not less than *sixty* are unexpired at the time of the sale being made ; and no sale shall be made under this part of this Act by a landlord being the owner of a leasehold under a lease containing a prohibition against 40 alienation.

“Tenant for life” shall, for the purposes of this part of this Act, mean any person entitled under any existing or future settlement at law or in equity for his own benefit and for the term of his own life to the possession or receipt of the rents and profit of land, whether
 5 subject or not to incumbrances in which the estate for the time being, subject to the trusts of the settlement, is an estate in fee simple or lease of such duration as is in this section herein-before mentioned.

30. The application shall be accompanied by a deposit by the
 10 tenant of a sum of not less than one-fourth part of the sum agreed to be paid for the holding, and of such further sum (if any) to be deposited by the landlord by way of security for costs, as the Board may require. Upon the foregoing conditions being complied
 15 with the Board shall make such inquiries as to the circumstances of the holding in respect of which the application is made, and as to the parties interested therein, either as incumbrancers, owners, or otherwise, and as to the sufficiency of the price and of the capacity of the landlord to sell the same, as they may think fit, and if they approve the application in other respects, shall refer to the
 20 Court the investigation of the title of the landlord to sell, and if the Court report to the Board its approval of the sufficiency of such title, the Board, if satisfied that having regard to all the circumstances of the case a sale ought to be made, shall carry such sale into effect accordingly.

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Sale of holding by Board.

31. The purchase money on any sale made by the Board shall be
 25 paid in the prescribed manner into the prescribed bank, and on such payment being made the Board shall convey the holding to the tenant.

Payment of purchase money.

32. The conveyance by the Board under this part of this Act of a
 30 holding to a tenant shall in the case of freehold land confer on the tenant an estate in fee simple in such holding, together with all rights, privileges, and appurtenances enjoyed or reputed as belonging or appertaining thereto, subject to such charges and interests, if any, as are in this part of this Act declared not to be incumbrances, but free
 35 from all other estates, incumbrances, and interests whatever, and shall in the case of leasehold land vest the holding in the tenant for the period, and subject to the rents, covenants, and conditions expressed in the lease relating to the land of which the holding forms part, and on the part of the lessee, his executors, administrators, and
 40 assigns to be paid, observed, and performed, subject to such charges and interests, if any, as are in this part of this Act declared not to be

Estate of purchaser to be free from incumbrances.

A.D. 1870. incumbrances, but free from all other incumbrances and estates whatsoever.

Certain
charges not
incum-
brances.

33. The following charges and interests shall not be deemed incumbrances within the meaning of this part of this Act; that is to say,

5

- (1.) Quitrents and rentcharges in lieu of tithes :
- (2.) Rights of common, rights of way, watercourses, and rights of water and other easements :
- (3.) Heriots, manorial rights of all descriptions, and franchises :
- (4.) Charges for drainage, or other charges created under Act of 10 Parliament, and to be specified in the conveyance.

And every holding sold under this part of this Act shall, unless the contrary is expressed, be deemed to be subject to such of the above charges and interests as may be for the time being subsisting thereon.

Distribution
of purchase
money.

34. The Court shall determine the rights and priorities of the several persons entitled to or interested in any holding sold in pursuance of this Act, and shall distribute the purchase money in accordance with such rights and priorities.

15

Where any moneys arising from a sale under this part of this Act are not immediately distributable, or the parties entitled thereto cannot be ascertained, or where from any other cause the Court thinks it expedient for the protection of the rights of the parties interested, the Court may order the moneys to be transferred to the prescribed account, and may by its order declare the trusts affecting such moneys, so far as the Court has ascertained the same, or state the facts or matters found by it in relation to the rights and interests on such moneys; and the Court may make such orders in respect to any such moneys, and the investment or application thereof, or the payment thereof to the parties interested, as the circumstances of the case may require.

30

Costs of
sale.

35. *There shall be charged, in respect of any sale made in pursuance of this part of this Act, such per-centage fee on the price paid as the Board may prescribe, and the fees so charged shall be paid in to the receipt of Her Majesty's Exchequer and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.*

35

Cost of
distribution
of purchase
money.

36. Where any purchase moneys have been paid to the Board in respect of any holding sold under this part of this Act the Board shall make provision for the payment without cost to the persons

entitled to any estate or interest in the holding so sold of any principal or interest moneys to which such persons may be entitled in respect of such estate and interest: Provided that the Board shall not be required to bear any expense caused by disputed titles, or any expense incurred by the failure of any person to comply with the rules for the time being in force relating to the distribution of such purchase moneys.

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37. The Court shall have full power to decide all questions whatsoever, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any Court.

General
powers of
Court and
Board in
conduct of
sale of land.

The Board may refer any matter to the Court for decision, and may require the Court to hear any parties, determine any question, and receive or distribute any moneys which the Board may require to be heard, determined, received, or distributed for the purposes of this Act.

For the purposes of the inquiries authorized to be made by them under this Act, the Board with respect to the following matters; that is to say,

(1.) Enforcing the attendance of witnesses, after a tender of their expenses; the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents;

shall, save as herein-after mentioned, have all such powers, rights, and privileges as are vested in the Landed Estates Court in Ireland for such or the like purposes, and all proceedings before the Board shall in law be deemed to be judicial proceedings before a court of record.

The Board shall have no power to punish persons for contempt; but it may report to the Court the name of any person refusing to give evidence, or to produce documents, and the Court may, upon such report, punish the offender in the same manner as if the offence had been committed in, or in respect of a matter under the cognizance of the Court.

For the purposes of this part of this Act "the Court" shall mean the Civil Bill Court or the Landed Estates Court, according as the one or the other of such Courts may be prescribed by the rules made for carrying into effect this part of this Act.

A.D. 1870.
Rules for
carrying
second part
of Act into
effect.

38. The Privy Council in Ireland may from time to time make, and, when made, may rescind, annul, or add to, rules with respect to the following matters :

- (1.) The proceedings to be had before the Board or the Court under this part of this Act : 5
- (2.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution :
- (3.) The scale of costs and fees to be charged in carrying this part of this Act into execution, and the taxation of such costs, and the persons by whom such costs and fees are to be paid, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged :
- (4.) The service of notices and any other matter by this part of this Act directed to be prescribed :
- (5.) The class of cases which having regard to the amount involved, the nature of the title, or other circumstances, may be referred to the Civil Bill Court. 15
- (6.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this part of this Act into execution : 20

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament. 25

PART III.

30

Advances by and Powers of Board.

Advances to
landlords for
compensation
for im-
provements.

39. Where any sums are due in respect of compensation under this Act from a landlord to a tenant who is quitting his holding, but has not been disturbed by his landlord, the Board may, upon the application of such landlord, advance to the tenant on behalf of the landlord the whole or such portion of the sum so due as they may think expedient, and upon such advance being made such holding shall upon an order being made to that effect by the Civil Bill Court, be deemed to be charged with an annuity of *six pounds ten shillings* for every one hundred pounds of such advance, and so 35 40

in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be payable within a term of *twenty-two* years, commencing at the date of the advance. A.D. 1870.

40. The Board may from time to time upon such security as they may approve advance such sums as they may think fit to any landlord in Ireland, for the purpose of enabling him to reclaim waste lands; and where any landlord has contracted for the sale of any waste land the Board may advance upon security jointly given by the vendor or purchaser such sums as they may think fit, not exceeding a moiety of the purchase money contracted to be paid; and upon any such advance being made, such waste land, and any other lands included in any such security, shall, upon an order being made to that effect by the Civil Bill Court, be deemed to be charged with an annuity of *six pounds ten shillings* for every one hundred pounds of such expenditure, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable within a period of *twenty-two* years, commencing from the date of the advance. Advances to landlords for improvement of waste lands.

41. The Board may advance to any tenant who has purchased his holding in pursuance of this Act any sum not exceeding *three fourths* of the price of such holding, and upon such advance being made the holding shall, upon an order being made by the Civil Bill Court to that effect, be deemed to be charged with an annuity of *six pounds ten shillings* for every one hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board and to be declared to be repayable in the term of *twenty-two* years, commencing from the date of the advance. Advances to tenants for purchase of holdings.

No purchaser, or person deriving title through him, of any holding to whom any advance has been made under this section shall without the consent of the Board, alienate, assign, subdivide, or sublet his holding during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet in contravention of this section shall be forfeited to the Board, to be held by them for public purposes.

42. Where an absolute order for the sale of any estate has been made by the Landed Estates Court, and the tenant of any holding forming part of such estate is desirous to purchase such holding, he may apply to the Board in the prescribed manner to advance any sum not exceeding three fourths of the amount he may pay for the purchase of the same, and the Board may, subject to such conditions Advances to tenants for purchases of holdings in Landed Estates Court.

A.D. 1870. — as to the price to be paid for such holding and to any matter relating to such purchase as they think fit, agree with such tenant to make such advance.

When any such tenant has been declared the purchaser of a holding, and has paid *one fourth* or any greater part of the purchase money, the Board may pay the balance of such purchase money instead of such tenant, and upon such payment being made by the Board, the Landed Estates Court shall by order declare such holding to be charged with an annuity of *six pounds ten shillings* for every hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board and to be declared to be repayable in the term of *twenty-two years*, commencing from the date of the advance. 5 10

Any holding charged by order of the Landed Estates Court in manner aforesaid shall not, without the consent of the Board, be alienated, assigned, subdivided, or sublet, during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet in contravention of this section shall be forfeited to the Board, to be held by them for public purposes. 15 20

Landed Estates Court to afford facilities for purchase by occupying tenants.

43. The Landed Estates Court shall on the sale of estates by said Court, so far as is consistent with the interests of the persons interested in the estates or the purchase money thereof, afford by the formation of lots for sale or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings under the provisions of this Act; and for that purpose shall hear any application in that behalf made by the Board or any such occupying tenant 25

Advances to facilitate purchases of entire estates.

44. Where the landlord of an estate is willing to contract for the sale of his estate in its entirety but not in part, and the tenants of the holdings comprising *four fifths* in value of such estate are willing to purchase their holdings under this Act, and other purchasers can be found to buy the residue of such estate, and to pay one half of the purchase money payable in respect of such residue, the Board may advance to such other purchasers one half of their purchase money upon the security of the residue of the estate, and such advance may at the discretion of the Board be made to such purchasers collectively on the security of the whole of the residue of such estate, or to such purchasers severally on the security of the portions bought by them respectively, or partly in one way and partly in the other. Where any advance is made to purchasers or a purchaser under this section, the land bought by such purchaser or 30 35 40

A.D. 1870.

purchasers shall, on an order made to that effect by the Civil Bill Court, be charged with an annuity of *six pounds ten shillings* for every one hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable within the term of *twenty-two* years, commencing from the date of the advance.

45. Every annuity created in favour of the Board in pursuance of this Act shall be a charge on the land subject thereto having priority over all existing and future estates, interests, and incumbrances, with the exception of quit-rents and other charges incident to the tenure, to rentcharges in lieu of tithes, and any charges created under any Act authorizing advance of public money, or under any Act creating charges in respect of improvements on lands, and passed before this Act, with the exception also (in cases where the lands are subject to a fee-farm rent, or held under a lease reserving rent) of such fee-farm rent or rent reserved as aforesaid.

Advances
charged
on estate
by way of
annuity.

46. Every annuity created in pursuance of this Act shall be recoverable in manner in which rentcharges in lieu of tithes are recoverable in Ireland.

Recovery of
annuity.

47. No arrears of any annuity charged on land in pursuance of this Act shall be recoverable after the expiration of *two years* from the date at which the sum in arrear became due; and as between owners having a limited interest in any land so charged it shall be the duty of the owner for the time being in possession or in receipt of the rents and profits of such land to prevent such arrears arising, and if he make default in doing so, and the owner next entitled in possession pay any arrears caused by such default, the amount so paid shall be a debt due to the owner who has paid the same from the owner by whose default it became necessary to make such payment.

Arrears of
annuity.

48. Where any land is charged with an annuity in favour of the Board, it shall be lawful for any person liable to pay such annuity to redeem the said annuity, or so much thereof as may at any time remain unexpired, by payment to the Board of a sum of money equivalent to the then value of the said annuity, such value to be calculated according to the table in the schedule annexed hereto.

Power of
owner to
redeem
annuity.

49. Where any person is entitled to receive any principal moneys in pursuance of the sale of any holding made by them in pursuance of this Act, the Board may, on the application of such person, commute such principal moneys for the payment of an annuity of equivalent value, the value of money being reckoned at *three pounds ten shillings* per cent. per annum, and where any such person as

Power of
Board to
commute and
compromise.

A.D. 1870. aforesaid is entitled to the payment of a sum annually, the Commissioners may commute the same for the payment of a principal sum of equivalent value, the value of money being reckoned at *three pounds ten shillings* per cent. per annum.

The Board may also, with the assent of the claimant, compromise 5 by the payment of any principal or annual sum any postponed contingent or doubtful or other claim of any person to any share or interest in the purchase money arising from the sale of any holding under this Act.

Control of
Board by
Treasury, &c.

50. The Board shall in making advances, in the mode of invest- 10 ing and dealing with the funds that come into their possession, and in the mode of accounting for the same, and generally in the performance of their duties under this Act conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the Public Works 15 Loan Commissioners and the Treasury or by either of such bodies, and shall report within such time and in such manner as the Treasury may direct to both the said last-mentioned bodies or either of them all matters which may be transacted by the Board.

Issues of
moneys to
Board.

51. *There shall be issued to the Board by the Public Works 20 Loan Commissioners for the purposes of this Act at such times and in such sums and in such manner as the Treasury may determine any sums of money not exceeding in the whole one million pounds, and the Treasury may from time to time issue the said sum of one million pounds to the Public Works Loan Commissioners out of the 25 Consolidated Fund or the growing produce thereof.*

Repayment
to Consoli-
dated Fund
of advance.

52. All repayments to the Board of principal sums or by way of annuities in respect of advances made by them shall from time to time be paid back to the Consolidated Fund in such manner as the Treasury may direct. 30

Duty of
Civil Bill
Court as to
charging
orders.

53. The Civil Bill Court shall on the application of any person entitled to an annuity by this Act directed to be charged by order of the Civil Court, make an order charging the same accordingly, and the clerk of the peace of the county in which such Court has jurisdiction shall keep an alphabetical registry in his office of all 35 charging orders so made by the Court, and shall allow any person to inspect the same at all reasonable times on the payment of one shilling.

For the purpose of making charging orders in respect of any holding the Civil Bill Court of the county in which such holding, 40 or any part thereof is situate shall be deemed to have jurisdiction over such holding.

PART IV.

A.D. 1870.

SUPPLEMENTAL PROVISIONS.

As to Legal Proceedings and Court.

54. *There shall be paid in respect of every notice to quit to be served on a tenant a duty of two shillings and sixpence, and such payment shall be denoted by a stamp on the notice.* Duty on notice to quit.

55. No notice to quit shall be valid unless it is printed or written, or partly in print and partly in writing, and signed by the landlord or his agent, nor unless such notice at the time of the service thereof is duly stamped with a stamp denoting the payment of a duty of *two shillings and six pence*. A notice to quit shall not in the case of a tenant from year to year take effect until after the expiration of a period of not less than a year from the date of the service of the notice, such period of a year, in the absence of agreement to the contrary, to terminate on the *last gale of the current year*. Any person serving on a tenant a notice to quit that is not in conformity with this section shall incur a penalty not exceeding forty shillings, to be recovered summarily under the provisions of the Petty Sessions (Ireland) Act, 1851. Regulations as to notice to quit.

56. In any proceedings between landlord and tenant, where the due service of a notice to quit has been proved, such notice to quit shall, until the contrary is proved, be deemed to have been duly stamped.

57. The Civil Bill Court in any county on being satisfied that a tenant in such county has died, and that there is no legal personal representative of such tenant or no legal personal representative whose services are available for the purposes of this Act, may, if a legal representation of the tenant is required for the purposes of this Act, by order appoint such person as it thinks best entitled to be administrator of the deceased tenant limited to the purposes of this Act, and any such limited administrator shall for all the purposes of this Act represent the deceased tenant in the same manner as if the tenant had died intestate and administration had been duly granted to such limited administrator of all the personal estate and effects of the tenant. Administration on death of tenant.

58. A married woman entitled to her separate use, and not restrained from anticipation, shall for the purposes of this Act be deemed a feme sole; but where any other married woman is desirous of making any application, giving any consent, or doing any act, or becoming party to any proceeding under this Act, in relation to any holding, her husband's concurrence shall be required, Provision as to married women.

A.D. 1870. and she shall be examined by the Civil Bill Court of the county where she may for the time being be, or, of the county where the holding is situate, apart from her husband touching her knowledge of the nature and effect of the application or other act, and it shall be ascertained that she is acting freely and voluntarily. 5

Provision
as to other
persons
under dis-
ability.

58. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding in relation to any holding under this Act, is a minor, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give 10 such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as aforesaid, being 15 infant, idiot, or lunatic, or where any person the committee of whose estate if he were idiot or lunatic would be authorized to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for 20 the Civil Bill Court of the county in which the holding is situate to appoint a guardian of such person for the purpose of any proceedings under this part of this Act, and from time to time to change such guardian; and where such Civil Bill Court sees fit it may appoint a person to act as the next friend of a married woman 25 for the purpose of any proceeding under this Act, and from time to time to remove or change such next friend.

Additional
sittings of
Civil Bill
Court.

59. For the purposes of carrying into effect the provisions of this Act, the judges of Civil Bill Courts in Ireland shall, in addition to the Civil Bill Courts now by law directed, hold such Courts in such 30 places within their respective jurisdictions as may be prescribed.

Additional
salaries to
judges and
officers of
Civil Bill
Courts.

60. *There shall be paid to the judges and officers of the Civil Bill Courts in Ireland, by way of remuneration for the additional duties by this Act imposed upon them such annual sums by way of additional salaries respectively as the Lord Lieutenant may direct 35 and the Commissioners of Her Majesty's Treasury may approve, and all such sums shall be paid by the said Commissioners out of moneys to e provided by Parliament for that purpose.*

Appoint-
ment of sub-
stitute in
Civil Bill
Court.

61. In case it shall appear to the Lord Chancellor that from any reasonable cause the judge of any Civil Bill Court cannot con- 40 veniently hold the Courts prescribed under this Act, he may appoint

any other judge of a Civil Bill Court to hold such Courts in his stead; and thereupon the judge so appointed shall hold such Courts as aforesaid, and shall for the purposes thereof have all and every, the powers, authority, and jurisdiction of the judge in whose stead
 5 he shall have been appointed; and so long as he shall continue to act in his stead, there shall be paid to him instead of to the said judge, the additional salary payable to the said judge under this Act.

A.D. 1870.

PART V.

10

Miscellaneous.

62. Any person who, after the passing of this Act, becomes the occupier of any premises liable to grand jury cess, and who is liable to pay a rent in respect of the same, may deduct from such rent, for each pound of the rent which he is liable to pay, *one half* of the
 15 sum which he has paid as grand jury cess in respect of each pound of the net annual value of such premises as valued for the purposes as such cess, and so in proportion for any less sum than a pound: Provided always, that it shall not be lawful for any such person to deduct from the rent payable by him for such premises a larger sum
 20 than one half of the amount of the cess that has been paid by him in respect of the same.

Mode of
 payment of
 grand jury
 cess in
 certain cases.

Any person receiving rent in respect of any premises liable to grand jury cess, who also pays a rent in respect of the same, shall, if such rent is received and paid under contracts entered into
 25 after the passing of this Act, be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of the cess deducted from the rent received by him as the rent paid by him bears to the rent received by him.

63. Whenever the net annual value of the whole of the premises
 30 situate in any county of a city, county of a town, or barony, occupied by any person having no greater estate or interest therein than a tenancy from year to year, or by a person holding the same under any lease or agreement made after the passing of this Act, does not exceed *four pounds*, as valued for the purposes of
 35 grand jury cess, and the same are liable to grand jury cess, then such cess shall, after the passing of this Act, be paid and payable by the immediate lessor or lessors of such person, and may be recovered from such immediate lessor or lessors in like

Where value
 of premises
 does not
 exceed 4*l.*
 immediate
 lessor to pay
 grand jury
 cess.

A.D. 1870. manner as but for the provisions of this section it might have been recovered from the person occupying such premises.

If any such cess payable by any such immediate lessor be not paid within four months after the same has become due, the person duly authorized to collect the same, may give notice in writing to 5 the occupier for the time being of such premises to pay the cess due in respect of such premises, and after the expiration of one calendar month from the time of giving such notice, it shall be lawful to recover such cess from such occupier, or in his default from any subsequent occupier of the premises, in like manner as if 10 the same were cess due in respect of premises of a net annual value greater than four pounds.

And every such occupier so paying such cess may deduct from the rent he may be then or next thereafter liable to pay in respect of any such premises the whole of any such cess that he 15 may have paid in respect of the same premises, and if rent sufficient to cover such cess, be not then or do not thereafter become due from such occupier, he shall be entitled to recover the same from such immediate lessor by Civil Bill.

Tenancies
at will.

64. Where any tenancy at will is created by a landlord after the 20 passing of this Act, the tenant under such tenancy shall on quitting his holding be entitled to notice to quit and compensation in the same manner in all respects as if he had been a tenant from year to year: Provided that this section shall not apply to any letting or contract for the letting of land made and entered into *bonâ fide* 25 for the temporary convenience or to meet a temporary necessity either of the landlord or tenant.

Definitions.

General defini-
tions.

65. In the construction of this Act the following words and expressions shall have the force and meaning hereby assigned to 30 them, unless there be something in the subject or context repugnant thereto:

The term "person" or "party" shall extend to and include any body politic, corporate, or collegiate, whether aggregate or sole, and any public company: 35

The term "county" shall extend to and include county of a city, and county of a town, and a riding of a county: where such county of a city, county of a town, or riding of a county is appointed for civil bill purposes:

The term "prescribed" shall mean prescribed by any rules made 40 in pursuance of this Act:

The term "lease" shall include an agreement for a lease :

A.D. 1870.

The term "settlement" as used in this Act shall include any Act of Parliament, will, deed, or other assurance or connected set of assurances whereby particular estates or particular interests in land are created, with remainders or interests expectant thereon ; and every estate and interest created by appointment made in exercise of any power contained in any settlement or derived from any settlement shall be considered as having been created by the same settlement, and an estate or interest by way of resulting use or trust to or for the settlor, or his heirs, executors, or administrators, shall be deemed to be an estate or interest under the same settlement.

66. For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them, and no other meanings.

15 meanings, that is to say,—

The term "holding" shall mean a farm or other holding of a tenant which is agricultural or pastoral in its character, or partly agricultural and partly pastoral :

20 The term "landlord" in relation to a holding shall mean any superior mesne or immediate landlord or any person for the time being entitled to receive the rents and profits or to take possession of any holding :

25 The term "tenant" in relation to a holding shall mean any tenant from year to year and any tenant for a life or lives or for a term of years under a lease or contract for a lease, and where the tenancy of any person having been a tenant under a tenancy which does not disentitle him to compensation under this Act, is determined or expiring, he shall, notwithstanding such determination or expiration, be deemed to be a tenant
30 until he has received the compensation, if any, due to him under this Act :

The personal representatives of any tenant shall also be included under the term "tenant :"

The term "improvements" shall mean in relation to a holding,—

35 (1.) Any work which being executed adds to the letting value of the holding on which it is executed : and is suitable to such holding ; also,

(2.) Tillages, manures, fallows, or other like farming works, the benefit of which is unexhausted at the time of the
40 tenant quitting his holding.

67. This Act may be cited for all purposes as "The Landlord and Tenant (Ireland) Act, 1870." Short title of Act.

68. This Act shall apply to Ireland only.

Application of Act.

A.D. 1870.

SCHEDULE.

Arbitrations.

- (1.) If both parties concur a single arbitrator may be appointed :
- (2.) If the single arbitrator dies or becomes incapable to act before he has made his award, the matters referred to him 5 shall be determined by arbitration under the provisions of this Act in the same manner as if no appointment of an arbitrator had taken place :
- (3.) If both parties do not concur in the appointment of a single arbitrator, each party on the request of the other party 10 shall appoint an arbitrator :
- (4.) An arbitrator shall in all cases be appointed in writing, and the delivery of an appointment to an arbitrator shall be deemed a submission to arbitration on the part of the party by whom the same is made, and after any such appoint- 15 ment has been made neither party shall have power to revoke the same without the consent of the other :
- (5.) If for the space of seven days after the service by one party on the other of a request made in writing to appoint an arbitrator such last-mentioned party fails to appoint an 20 arbitrator, then upon such failure the party making the request and having himself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such 25 single arbitrator shall be final :
- (6.) If any arbitrator appointed by either party dies or becomes incapable to act before an award has been made the party by whom such Arbitrator was appointed may appoint some other person to act in his place, and if for the space of 30 seven days after notice in writing from the other party for that purpose he fails to do so the remaining or other arbitrator may proceed ex parte :

A.D. 1870.
—

- 5 (7.) If where more than one arbitrator has been appointed either of the arbitrators refuses or for seven days neglects to act, the other arbitrator may proceed *ex parte*, and the decision of such arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties :
- 10 (8.) If, where more than one arbitrator has been appointed, and where neither of them refuses or neglects to act as aforesaid, such arbitrators fail to make their award within twenty-one days after the day on which the last of such arbitrators was appointed, or within such extended time (if any) as may have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as hereafter mentioned :
- 15 (9.) Where more than one arbitrator has been appointed, the arbitrators shall, before they enter upon the matters referred to them, appoint by writing under their hands an umpire to decide on any matters on which they may differ :
- 20 (10.) If the umpire dies or becomes incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the arbitrators shall forthwith after such death, incapacity, or refusal appoint another umpire in his place :
- 25 (11.) If in any of the cases aforesaid the said arbitrators refuse, or for seven days after request of either party to such arbitration neglect, to appoint an umpire, the Civil Bill Court, as defined by this Act, shall, on the application of either party to such arbitration, appoint an umpire :
- 30 (12.) The decision of every umpire on the matters referred to him shall be final.

A.D. 1870.

Table for the Redemption of Rent-charges.

Term unexpired.	Redemption Money to be paid in respect of each £10 of Rent-charge.			
$\frac{1}{2}$ Year	£ Decimals.	In Sterling Money		
1 —	4·91612	£ 4	s. 18	d. 4
1½ —	9·74976	9	15	0
2 —	14·50232	14	10	0½
2½ —	19·17514	19	3	6
3 —	23·76957	23	15	4½
3½ —	28·28693	28	5	8½
4 —	32·72850	32	14	6¾
4½ —	37·09555	37	1	11
5 —	41·38935	41	7	9½
5½ —	45·61111	45	12	2¾
6 —	49·76204	49	15	3
6½ —	53·84334	53	16	10½
7 —	57·85617	57	17	1½
7½ —	61·80168	61	16	0½
8 —	65·68100	65	13	7½
8½ —	69·49524	69	9	10¾
9 —	73·24548	73	4	11
9½ —	76·93282	76	18	7¾
10 —	80·55829	80	11	2
10½ —	84·12295	84	2	5½
11 —	87·62780	87	12	6¾
11½ —	91·07385	91	1	5¾
12 —	94·46209	94	9	3
12½ —	97·79349	97	15	10½
13 —	101·06900	101	1	4½
13½ —	104·28956	104	5	9½
14 —	107·45609	107	9	1½
14½ —	110·56950	110	11	4¾
15 —	113·63067	113	12	7¼
15½ —	116·64049	116	12	9¾
16 —	119·59980	119	12	0
16½ —	122·50948	122	10	2¼
17 —	125·37035	125	7	5
17½ —	128·18322	128	3	8
18 —	130·94891	130	18	11¾
18½ —	133·66818	133	13	4¼
19 —	136·34188	136	6	10
19½ —	138·97065	138	19	5
20 —	141·55536	141	11	1¼
20½ —	144·09673	144	1	11¼
21 —	146·59544	146	11	11
21½ —	149·05229	149	1	0½

NOTE.—This Table, is calculated on the Assumption that a yearly Rent-charge of £6 10s. continuing for a term of 22 years (but payable half-yearly) is equivalent to the sum of £100 in ready money.

Irish Land.

A

B I L L

To amend the Law relating to the
Occupation and Ownership of Land
in Ireland.

(Prepared and brought in by
*Mr. Gladstone, Mr. Chichester Fortescue, and
Mr. John Bright.*)

*Ordered, by The House of Commons, to be Printed,
15 February 1870.*

[Bill 29.]

Under 5 oz.

Irish Land Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

PART I.

LAW OF COMPENSATION TO TENANTS.

Claim to Compensation.

Clause.

1. Legality of Ulster tenant-right custom.
2. Legality of tenant custom other than Ulster custom.
3. Compensation in absence of custom.
4. Compensation in respect of improvements. Exception of certain improvements. Exception of certain tenancies.
5. Presumption in respect of improvements.
6. Compensation in respect of payment to incoming tenant.
7. Compensation in respect of crops.
8. Limitation as to disturbance in holding.
9. Derivative title of tenant.
10. Partial exemption of certain tenancies.
11. Exemption of certain lands.

Proceedings in respect of Claims.

12. Proceedings by tenant.
13. Proceedings by landlord.
14. Equities between landlord and tenant.
15. Provision in case of derivative estates in the same holding.
16. Restriction on eviction of tenant.

Court to award Compensation.

17. Court to mean Civil Bill Court or Court of Arbitration.
18. Civil Bill Court.
19. Appeal from Civil Bill Court.
20. Court of Arbitration.

Powers of limited Owners.

21. "Limited owner."
22. Agreement by limited owner.

[Bill 137.]

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Clause.

23. Power of limited owner to lease.
 24. Effect of lease by limited owner.
 25. Leasing powers of Act to be cumulative.
 26. Rules for carrying first part of Act into effect.
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Sale of Land to Tenants.

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 28. Restrictions on sale of holding.
 29. Sale of holding by Court.
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 31. Certain charges not incumbrances.
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 43. Advances charged on estate by way of annuity.
 44. Recovery of annuity.
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 46. Power of owner to redeem annuity.
 47. Power of Board to commute and compromise.
 48. Control of Board by Treasury, &c.
 49. Issues of moneys to Board.
 50. Repayment to Consolidated Fund of advance.
 51. Duty of Civil Bill Court as to charging orders.
-

PART IV.

SUPPLEMENTAL PROVISIONS.

As to Legal Proceedings and Court.

Clause.

52. Duty on notice to quit.
 53. Regulations as to notice to quit.
 54. Administration on death of tenant.
 55. Provision as to married women.
 56. Provision as to other persons under disability.
 57. Additional sittings of Civil Bill Court.
 58. Additional salaries to judges and officers of Civil Bill Courts.
 59. Appointment of substitute in Civil Bill Court.
-

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62. Where value of premises does not exceed 4*l.* immediate lessor to pay grand jury cess.
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 65. Special definitions :
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 67. Application of Act.
- SCHEDULE.
-

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Occupation and Ownership of Land in Ireland. A.D. 1870.

WHEREAS it is expedient to amend the law relating to the occupation and ownership of land in Ireland :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

LAW OF COMPENSATION TO TENANTS.

Claim to Compensation.

- 10 1. The usages prevalent in the province of Ulster, which are known as, and in this Act intended to be included under, the denomination of the Ulster tenant-right custom, are hereby declared to be legal, and shall in the case of any holding in the province of Ulster proved to be subject thereto, be enforced in manner
15 provided by this Act.

Legality of
Ulster
tenant-right
custom.

- Where the landlord has purchased or shall hereafter purchase from the tenant the Ulster tenant-right custom to which his holding is subject, such holding shall thenceforth cease to be subject to the Ulster tenant-right custom.
- 20 A tenant of a holding subject to the Ulster tenant-right custom, and who claims the benefit of such custom, shall not be entitled to compensation under any other section of this Act; but a tenant of a holding not claiming under the Ulster tenant-right custom shall not be barred from making a claim for compensation, with the
25 consent of the Court, under any of the other sections of this Act; and where such last-mentioned claim has been made and allowed such holding shall not be again subject to the Ulster tenant-right custom.

[Bill 137.]

A

A.D. 1870.

Legality of
tenant
custom other
than Ulster
custom.

2. If, in the case of any holding not situate within the province of Ulster, it shall appear that an usage prevails which in all essential particulars corresponds with the Ulster tenant-right custom, it shall in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by this Act.

5

Where the landlord has purchased or shall hereafter purchase from the tenant the benefit of such usage as aforesaid to which his holding is subject, such holding shall thenceforth cease to be subject to such usage.

A tenant of any holding subject to such usage as aforesaid, and who claims the benefit of the same, shall not be entitled to claim compensation under any other section of this Act, but a tenant of a holding not claiming the benefit of such usage shall not be barred from making a claim for compensation with the consent of the Court under any of the other sections of this Act, and where such last-mentioned claim has been made and allowed, such holding shall not be again subject to such usage as aforesaid.

10

15

Compensa-
tion in
absence of
custom.

3. Where the tenant of any holding held by him under a tenancy created after the passing of this Act is not entitled to compensation under sections one and two of this Act, or either of such sections, or if entitled does not seek compensation under said sections or either of them, and is disturbed in his holding by the act of the landlord, he shall be entitled to such compensation for the loss which the Court shall find to have been sustained by him in quitting his holding, to be paid by the landlord as the Court may think just, so that the sum awarded does not exceed the scale following; that is to say,

25

In the case of holdings valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of—

30

- (1.) £10 and under, a sum which shall in no case exceed seven years rent;
- (2.) Above £10 and not exceeding £30, a sum which shall in no case exceed five years rent;
- (3.) Above £30 and not exceeding £40, a sum which shall in no case exceed four years rent;
- (4.) Above £40 and not exceeding £50, a sum which shall in no case exceed three years rent;
- (5.) Above £50 and not exceeding £100, a sum which shall in no case exceed two years rent;
- (6.) Above £100 a sum which shall in no case exceed one year's rent;

40

But in no case shall the compensation exceed the sum of £250.

A.D. 1870.

Any tenant in a higher class of the scale may, at his option, claim to be compensated on so much only of his rent as will bring him into a lower class : Provided, that no tenant of a holding valued at a yearly sum exceeding £10, and claiming under this section more

5 than four years rent, and no tenant of a holding valued at a yearly sum not exceeding £10, and claiming as aforesaid more than five years rent, shall be entitled to make a separate or additional claim for improvements other than permanent buildings and reclamation of land.

10 Provided that,—

(1.) Out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of rent, or in respect of any deterioration of a holding arising from non-observance on the part of the tenant of any

15 express or implied covenant or agreement may be deducted by the landlord, and also any taxes payable by the tenant due in respect of the holding, and not recoverable by him from the landlord :

(2.) A tenant who at any time after the passing of this Act subdivides such holding or sub-lets the same or any part thereof without the consent of the landlord in writing, shall not, nor shall any sub-tenant of or under any such tenant as last aforesaid be entitled to any compensation under this section, with this qualification, that in the case of

25 holdings of twenty-five acres and upwards of tillage land, the letting by a tenant of a portion of land to agricultural labourers bonâ fide required for the cultivation of the holding for cottages or gardens, not exceeding half an acre in each case, and not being in number such as to raise

30 the total of such cottages on the holding to more than one for every twenty-five acres of tillage land, shall not be deemed to be a subdivision or sub-letting of land for the purposes of this section :

(3.) A tenant of a holding under a lease made after the passing of this Act, and granted for a term certain of not less than

35 thirty-one years, shall not be entitled to any compensation under this section, but he may claim compensation under section four of this Act.

The tenant of any holding valued under the Acts relating to the

40 valuation of rateable property in Ireland at an annual value of not more than one hundred pounds and held by him under a tenancy from year to year existing at the time of the passing of this Act shall,

A.D. 1870. if disturbed by the act of his immediate landlord, be entitled to compensation under and subject to the provisions of this section.

Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section, shall, so far as relates to such claim, 5 be void; this provision shall remain in force for twenty years from the first day of January one thousand eight hundred and seventy-one, and thereafter until Parliament shall otherwise determine.

Compensation in respect of improvements.

4. Any tenant of a holding who is not entitled to compensation under sections one and two of this Act, or either of such sections, 10 or if entitled does not make any claim under the said sections, or either of them, may on quitting his holding, and subject to the provisions of section three of this Act, claim compensation to be paid by the landlord under this section in respect of all improvements on his holding made by him or his predecessors in title. 15

Provided that,—

Exception of certain improvements.

(1.) A tenant shall not be entitled to any compensation in respect of any of the improvements following, that is to say,—

(a.) In respect of any improvement made twenty 20 years before the passing of this Act except permanent buildings and reclamation of land; or,

(b.) In respect of any improvement prohibited in writing by the landlord as being and appearing to the Court to be calculated to diminish the general value of 25 the landlord's estate and made within two years after the passing of this Act, or made during the unexpired residue of a lease granted before the passing of this Act; or,

(c.) In respect of any improvement made either 30 before or after the passing of this Act in pursuance of a contract entered into for valuable consideration therefor; or,

(d.) (Subject to the rule in this section mentioned as to contracts) in respect of any improvement made, either 35 before or after the passing of this Act, in contravention of a contract in writing not to make such improvement; or,

(e.) In respect of any improvement made either 40 before or after the passing of this Act, which the landlord has undertaken to make, except in cases where the landlord has failed to perform his undertaking within a reasonable time.

(2.) A tenant of a holding under a lease or written contract made before the passing of this Act shall not be entitled on being disturbed by the act of the landlord in or on quitting his holding to any compensation in respect of

A.D. 1870.
Exception
of certain
tenancies.

5 any improvement, his title to which is excluded by such lease or contract :

(3.) A tenant of a holding under a lease made either before or after the passing of this Act, for a term certain of not less than thirty-one years, or in case of leases made before the

10 passing of this Act for a term of lives with or without a concurrent term of years, and which leases shall have existed for thirty-one years before the making of the claim, shall not be entitled to any compensation in respect of any improvement unless it is specially provided in the

15 lease that he is entitled to such compensation, except permanent buildings and reclamation of land ; and tillages or manures, the benefit of which tillages or manures is unexhausted at the time of the tenant quitting his holding :

(4.) A tenant of a holding, who is quitting the same voluntarily,

20 shall not be entitled to any compensation in respect of any improvement when it appears to the Court that such tenant has been given permission by his landlord to dispose of his interest in his improvements to an incoming tenant upon such terms as the Court may deem reasonable, and the tenant has refused or neglected to avail himself of

25 such permission :

(5.) Out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of rent, or in respect of any deterioration of the holding

30 arising from non-observance on the part of the tenant of any express or implied covenant or agreement shall be paid to the landlord, or in respect of any taxes payable by the tenant due in respect of the holding and not recoverable by him from the landlord.

35 Any contract between a landlord and a tenant whereby the tenant is prohibited from making such improvements as may be required for the suitable occupation of his holding and its cultivation in a due course of husbandry, shall be void both at law and in equity, but no improvement shall be deemed to be required for the suitable

40 occupation of a tenant's holding and its cultivation in a due course of husbandry, which appears to the Court to diminish the general value of the estate of the landlord.

A.D. 1870. Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section shall, so far as relates to such claim, be void.

Where a tenant has made any improvements before the passing of this Act on a holding held by him under a tenancy existing at the time of the passing thereof, the Court in awarding compensation to such tenant in respect of such improvements shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, also the rent at which such holding has been held and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made.

Presumption
in respect of
improve-
ments.

5. For the purposes of compensation under this Act in respect of improvements on a holding which is not proved to be subject either to the Ulster tenant-right custom or to such usage as aforesaid, or where the tenant does not seek compensation in respect of such custom or usage, all improvements on such holding shall, until the contrary is proved, be deemed to have been made by the tenant or his predecessors in title, except in the following cases where compensation is claimed in respect of improvements made before the passing of this Act,—

- (1.) Where such improvements have been made previous to the time at which the holding in reference to which the claim is made was conveyed on actual sale to the landlord or those through whom he derives title :
- (2.) Where the tenant making the claim was tenant under a lease of the holding in reference to which the claim is made :
- (3.) Where such improvements were made twenty years or upwards before the passing of this Act :
- (4.) Where the holding upon which such improvements were made is valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of more than one hundred pounds.

35

Compensation in
respect of
payment to
incoming
tenant.

6. Where any tenant of a holding does not claim or has not obtained compensation under sections one, two, or three of this Act, and it is proved to the satisfaction of the Court that any such tenant, or that his predecessors in title on coming into his holding paid money or gave money's worth with the express or implied consent of the landlord on account of his so coming into his holding, the Court shall award to such tenant in respect of the sum so paid

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such compensation as it thinks just, having regard to the circumstances of the case; but such tenant shall not be entitled to any compensation under this section when it appears to the Court that such tenant has been given permission by the landlord to obtain such satisfaction from an incoming tenant in respect of the money so paid, or the money's worth so given by him, and on such terms as the Court may think reasonable, and such tenant has refused or neglected to avail himself of such permission; moreover where the money or money's worth paid or given by any tenant claiming compensation under this section on coming into his holding was paid or given in whole or in part in respect of any improvements on his holding, care shall be taken that such tenant shall not receive compensation in respect of the same improvements under this section and also under some other section of this Act: Provided, that out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of rent, or in respect of any deterioration of a holding arising from non-observance on the part of the tenant of any express or implied covenant or agreement, and also any taxes payable by the tenant due in respect of the holding, and not recoverable by him from the landlord, may, if not deducted under the provisions of section four of this Act, be deducted by or on behalf of the landlord: Provided always, that this section shall not apply when such money or money's worth has been paid during the existence of a lease made before the passing of this Act.

7. Where a holding is proved to be subject to the Ulster tenant-right custom, or such usage as aforesaid, and where the tenant claims under such custom or usage and such custom or usage extends to away-going crops, the compensation payable in respect of away-going crops shall be dealt with according to the custom or usage, but the tenant of every other holding, which is not proved to be subject to the Ulster tenant-right custom or such usage as aforesaid, or in respect of which no claim is made under such custom or usage, shall, in the absence of any agreement in writing to the contrary, on quitting his holding, be entitled to all his away-going crops, or at the option of the landlord to be paid the value of the same.

Compensation in respect of crops.

8. For the purposes of this Act ejectment for nonpayment of rent shall not be deemed disturbance of the tenant by act of the landlord, unless the Court decides that it ought on special grounds to be so deemed in the case of a person claiming compensation on the determination of a tenancy existing at the time of the passing of this Act, and continuing to exist without any alteration

Limitation as to disturbance in holding.

A.D. 1870. — of rent up to the time of such determination ; and for the purposes of this Act a person who is ejected for nonpayment of rent, and is not disturbed by act of the landlord within the meaning of this Act, shall stand in the same position in all respects as if he were quitting his holding voluntarily. 5

Derivative
title of
tenant.

9. For the purposes of this Act a tenant shall be deemed to have derived his holding from the preceding tenant if he has paid to such preceding tenant any money or given to him any money's worth in respect of his holding, or has taken such holding by assignment or operation of law or by succession from the preceding 10 tenant ; and where a succession of tenants have derived title each from the other the earlier in such succession shall be deemed to be the predecessor of the later, and the later in such succession shall be deemed to be the successor of the earlier.

Partial
exemption
of certain
tenancies.

10. A tenant of a holding which is not proved to be subject 15 to the Ulster tenant-right or such other usage as aforesaid, valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than fifty pounds, shall not be entitled to make any claim for compensation under any provision of this Act in cases where the tenant has contracted in 20 writing with his landlord that he will not make any such claim.

Exemption
of certain
lands.

11. No compensation shall be payable under the preceding provisions of this Act in respect of—

- (1.) Any demesne land, or any holding ordinarily termed "townparks" adjoining or near to any city or town which 25 shall bear an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and shall be in the occupation of a person living in such city or town, or the suburbs thereof, or any holding used wholly or mainly for the purpose of pasture, and 30 valued under the Acts relating to the valuations of property in Ireland at an annual value of not less than fifty pounds : Provided, that nothing herein contained shall prevent the tenant of any such holding making any claim which he otherwise would be entitled to make under sections four, 35 five, and six of this Act ; or,
- (2.) Any holding the tenant of which is a hired labourer or hired servant of the landlord ; or,
- (3.) Any letting in conacre or for the purposes of agistment or for temporary depasturage ; or, 40
- (4.) Any holding let and expressed in the document by which it is let to be so let for the temporary convenience or to meet

a temporary necessity either of the landlord or tenant, and the letting of which has determined by reason of the cause having ceased which gave rise to the letting. A.D. 1870.

Proceedings in respect of Claims.

5 12. Every tenant entitled under this Act to make any claim in respect of any right or for payment of any sums due to him by way of compensation, and about to quit his holding, may within the prescribed time serve a notice of such claim on his landlord. The notice shall be in writing in the prescribed form, 10 and shall state the particulars of such claim, and, where such claim or any part of the same is in respect of compensation under the provisions of section three of this Act, the number of years rent claimed shall be specified.

Proceedings
by tenant.

13. On the receipt of the notice the landlord shall be deemed to 15 have admitted the claim made by the tenant unless within the prescribed time and in the prescribed manner he serves a notice on the tenant, stating that he disputes the whole or some portion of the claim made by the latter, and upon service of such notice by a landlord on the tenant a dispute shall be deemed to have arisen 20 between the landlord and the tenant as to the whole or a portion of such claim, and such dispute shall be decided by the Court.

Proceedings
by landlord.

14. On the hearing of any dispute between landlord and tenant under this Act, either party may make any claim, urge any objection to the claim of the other, or plead any set-off such party may 25 think fit (including in the case of a landlord any moneys paid on account of the purchase of the right of the tenant under the Ulster tenant-right custom or such usage as aforesaid), and the Court shall take into consideration any such claim, objection, or set-off, also any such default or unreasonable conduct of either party as may 30 appear to the Court to affect any matter in dispute between the parties, and shall admit, reduce, or disallow altogether any such claim, objection, or set-off made or pleaded on behalf of either party as the Court thinks just, giving judgment on the case with regard to all its circumstances, including such consideration of conduct as 35 aforesaid, and the Court shall have jurisdiction at the hearing of any such dispute to ascertain what sums, if any, shall be deemed due by the tenant to the landlord under sections three, four, and six of this Act, or any set-off in respect of unliquidated or liquidated damages under said sections, or any of them.

Equities
between
landlord and
tenant.

40 15. Where in the case of any holding there are several persons standing in the relation to each other of landlord and tenant, and the circumstance of any one of such tenants quitting his holding by

Provision in
case of
derivative
estates in

A.D. 1870. reason of disturbance or otherwise involves the interest of any of such persons other than the tenant quitting his holding, the Court shall determine the whole amount payable under this Act on the occasion of such tenant quitting his holding, and shall direct payment of the same by such person and to such one or more of the 5 persons interested, and in such manner as the Court thinks just: Provided, that this section shall not affect the Ulster tenant-right custom or such usage as aforesaid to which any holding is proved to be subject.

Restriction
on eviction
of tenant.

16. A tenant who may be decided by the Court to be entitled to 10 compensation to be paid by any landlord shall not be compelled by process of law to quit his holding until the amount of compensation due to him has been paid or satisfied, unless the judge or chairman before whom the case shall be tried shall otherwise direct, upon the payment of such sum into Court as the judge or chairman may 15 order; and any amount payable shall be deemed to be a debt due to him from such landlord, and the tenant may set off such debt against any rent for the time being due from him to such landlord in respect of his holding, but not so as to defeat an ejectment for nonpayment of rent: Provided also, that if the tenant after verdict 20 in ejectment for nonpayment of rent shall redeem, pursuant to the Statutes in that behalf, the amount due for such compensation as aforesaid shall not be deducted in estimating the amount payable for redemption.

Court to award Compensation.

25

Court to
mean Civil
Bill Court
or Court of
Arbitration.

17. For the purposes of this part of this Act the Court shall mean one or other of the tribunals following; that is to say,—

The Civil Bill Court of the county where the matter requiring the cognizance of the Court arises: or,

The Court of Arbitration constituted as in this Act mentioned. 30

Where a matter requiring the cognizance of the Court arises in respect of a holding situate within the jurisdiction of more than one Civil Bill Court, any Civil Bill Court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter. 35

Civil Bill
Court.

18. The judge of the Civil Bill Court (herein-after called the chairman) shall in all cases brought before him, under the provisions of this Act, have power to take evidence upon oath, and to compel the attendance of witnesses, and shall have all and the same powers, jurisdiction, and authority as in cases of Civil Bill ejectment 40 coming within his jurisdiction as such judge.

The chairman may, with the consent of both parties, hear and determine any case brought before him under this Act in chamber,

if he so thinks fit, and when so sitting in chamber he shall have all and the same powers, jurisdiction, and authority in respect to cases so heard as if sitting in open court. A.D. 1870,

The chairman may, within the prescribed time after making any order, review or rescind or vary any order previously made by him, but save as aforesaid, and as provided by this Act with respect to appeal, every order of the Civil Bill Court shall be final.

Any order made by the chairman under this Act, may be enforced by attachment or otherwise in the same manner as if it were the order of any of the superior courts of common law at Dublin, and if such order made by the chairman be for the payment of money, it may also be enforced in the same manner as civil bill decrees for money demands made by such chairman.

19. Any person aggrieved by any order of the chairman made under this Act may, within the prescribed time and in the prescribed manner, appeal therefrom, in manner following, that is to say:— Appeal from
Civil Bill
Court.

(1.) Where such order has been made in the county or the county of the city of Dublin to two judges of the superior courts of common law to be from time to time selected by the Court for Land Cases reserved:

(2.) Where such order has been made elsewhere to the judges of assize of the county in which such order has been made: And every such appeal shall be heard by the said judges sitting together.

The judges who hear such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the Court below and of the appeal as may be agreeable to justice; and if the judges alter or modify the order, such order so altered or modified, and signed by the judges, shall be of the like effect as if it were the order of the Civil Bill Court. The judges may also, in cases where they think it expedient so to do, instead of making a final order themselves, remit the case, with such directions as they may think fit, to the Court below.

The judges to whom any such appeal may be made, may, where they deem it expedient, reserve any matter or question arising upon such appeal by way of case stated for the consideration of the Court for Land Cases reserved at Dublin.

The Court for Land Cases reserved at Dublin shall, for the purposes of this Act, be constituted in manner following, that is to say; the Lord Chancellor, the Master of the Rolls, the Vice-Chancellor, and all the judges of the Common Law Courts shall be judges of the said Court for Land Cases reserved, and any five of such judges, the

A.D. 1870. Lord Chancellor or Master of the Rolls or the Vice-Chancellor or one of the chief judges of the Common Law Courts being one, shall have power to hear and determine any matters that shall be brought before the said Court.

The officers of the Court of Exchequer Chamber shall act as 5 officers of the Court for Land Cases reserved.

All cases referred to the Court for Land Cases reserved shall be prosecuted, heard, and determined by such Court, in such manner and form and subject to such rules and regulations as the said Court may from time to time, by rule direct. 10

The Court for Land Cases reserved shall give such judgment as ought to have been given in the Court below by the judges thereof, and such judgment shall be of the like effect as if it were the judgment of the said judges, or the Court of Land Cases reserved may remit the case with such directions as they think fit to the 15 Court below.

Court of
Arbitration.

20. Where the parties to any such dispute as aforesaid respecting any holding are desirous that such dispute should be settled by arbitration, they shall, in the prescribed manner and within the prescribed time, refer the same to an arbitrator or arbitrators, with 20 an umpire to be appointed in manner appearing in the schedule annexed hereto, and the tribunal so selected shall be deemed in respect of such dispute the Court of Arbitration under this Act.

The Court of Arbitration shall, in all cases brought before it under this Act, have all and the like powers, jurisdiction, and authority as 25 a Civil Bill Court under this Act, with this exception, that the Court of Arbitration shall have no power to punish persons for contempt, or to enforce its awards; but it may report to the Civil Bill Court the name of any person refusing to give evidence, or to produce documents, or guilty of contempt of the Court when sitting judicially; 30 and the Civil Bill Court may, upon such report, punish the offender in the same manner as if the offence had been committed in, or in respect of a matter under the cognizance of the Civil Bill Court.

The award of the Court of Arbitration may, at the instance of either party, be recorded in the prescribed manner and within the 35 prescribed time in the Civil Bill Court, and when so recorded shall be enforceable as if the same were an order of said Court.

No such award shall, so far as relates to the dispute under this Act, be held to be invalid by reason of the violation of or non-compliance with any technical rule of law respecting awards: where 40 such award substantially decides the dispute referred to the Court of Arbitration.

No appeal shall lie from an award of the Court of Arbitration, nor shall any such award be removable by certiorari.

Powers of limited Owners.

A.D. 1870.

21. The expression "limited owner" shall in this Act mean as follows :

" Limited
owner."

- 5 (1.) Any person entitled under any existing or future settlement at law or in equity, for his own benefit and for the term of his own life, to the possession or receipt of the rents and profits of land, whether subject or not to incumbrances, in which the estate for the time being subject to the trusts of the settlement is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less than sixty years, or is an estate for a term of years of which not less than sixty are unexpired, or is a greater estate than any of the foregoing estates :
- 10
- 15 (2.) Any body corporate, any corporation sole, ecclesiastical, or lay, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, entitled at law or in equity, in the case of freehold land to the fee simple, and in the case of leasehold land to a lease for an unexpired residue of not less than thirty-one years, or for a term of years or of lives renewable for ever, or renewable for a period of not less than thirty-one years.
- 20

22. A landlord, being a limited owner, shall have power to agree with a tenant as to the amount of compensation payable to him under this Act, and on payment of the same to the tenant, may apply to the Civil Bill Court for an order charging the holding with an annuity in respect of such payment, and the Court, upon being satisfied of such payment having been made, shall charge the holding with an annuity of seven pounds one shilling and eleven-pence for every one hundred pounds of the sum so paid to the tenant, and so on in proportion for any less sum, such annuity to be limited in favour of the limited owner, his executors, administrators, and assigns, and to be payable for a term of twenty-five years on the anniversary of such date : Provided, that no such order shall be made by the Court unless notice of the application for the same shall have been given in the prescribed form to the person for the time being entitled to the first estate of inheritance, if any, expectant upon the determination of the estate of the limited owner, or if such person shall be a married woman, infant, or lunatic, to his or her husband, guardian, or committee respectively. Any annuity created under this section shall be a charge upon the holding having priority over all estates and interests subsequent to the

Agreement
by limited
owner.

A.D. 1870. — estate or interest of the limited owner, but subject to any estates, mortgages, or other interests having priority over or charged on the estate of the limited owner.

Power of
limited
owner to
lease.

23. Any limited owner shall have power to grant agricultural leases, for any term of years absolute, or determinable at fixed 5 periods, subject to the following restrictions :

- (1.) The term of any lease shall not exceed thirty-one years :
- (2.) The power of leasing conferred by this Act shall not include any mansion house or demesne lands :
- (3.) The lease shall take effect in possession, or within one year 10 after the execution thereof, and not in reversion, and there shall be reserved thereby a fair yearly rent, to be incidental to the immediate reversion of the holding without taking anything in the nature of a fine, premium, or foregift ; and in estimating such yearly rent it shall not be 15 necessary to take into account against the tenant the increase (if any) in the value of the holding arising from any improvements executed by him :
- (4.) The lease shall imply a condition of re-entry for non-payment of the rent thereby reserved : 20
- (5.) The lease, if it includes any building, shall contain a clause declaring whether the landlord or the tenant is bound to rebuild such building in the case of the same being destroyed during any part of the tenancy by fire, lightning, or tempest, and whether the landlord or the tenant is bound 25 to keep the same in repair :
- (6.) The lessee shall execute a counterpart of every lease, and shall thereby covenant for the due payment of the rent reserved :

Upon the application of any landlord or tenant the Civil Bill Court 30 may confirm any lease granted or proposed to be granted under this Act, and such Court may, if it thinks just, confirm or refuse to confirm such lease with or without modifications, and the confirmation of any such lease shall be deemed conclusive evidence of the lease being within the powers of this Act ; the confirmation of a 35 lease shall be certified in the prescribed manner.

Effect of
lease by
limited
owner.

24. Any lease granted in pursuance of this Act by an individual limited owner shall be valid against the person granting the same, and against all persons entitled to any estate or interest subsequent to the estate or interest of such limited owner ; and any lease granted in 40 pursuance of this Act by any limited owner, being a body corporate, corporation sole, trustees for charities, commissioners or trustees

for ecclesiastical, collegiate, or other public purposes, shall bind all the estate and interest of such last-mentioned limited owner; but no lease granted by an owner holding himself under a lease shall continue after the expiration of the term granted by such owner's
5 lease.

A.D. 1870.

25. All powers of leasing given by this Act shall be deemed to be in addition to any other powers any limited owner may possess, and such owner may exercise any other power of leasing vested in him in the same manner as if this Act were not passed.

Leasing
powers of
Act to be
cumulative.

10 26. The Court for Land Cases reserved, or any five of the judges of the said Court (the Lord Chancellor or Master of the Rolls or Vice-Chancellor or one of the chief judges of the Common Law Courts being one) may from time to time make, and when made may rescind, annul, or add to rules with respect to the following
15 matters:—

Rules for
carrying
first part of
Act into
effect.

(1.) The proceedings in the Civil Bill Court and Court of Arbitration under this part of this Act:

(2.) The proceedings in Appeals under this part of this Act:

20 (3.) The proceedings in Land Cases reserved under this part of this Act:

(4.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution:

25 (5.) The scale of costs and fees to be charged in carrying this part of this Act into execution, and the taxation of such costs and fees, and the persons by whom such costs and charges are to be paid, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged:

30 (6.) The service of notices on incumbrancers and other persons interested, and any other matter by this part of this Act directed to be prescribed:

(7.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this part of this Act into effect.

35 Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parlia-
40 ment be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

A.D. 1870.

PART II.

Sale of Land to Tenants.

Application
to Court for
sale of hold-
ing.

27. Subject to the restrictions herein-after mentioned the landlord and tenant of any holding in Ireland may agree for the sale of the holding to the tenant at such price as may be fixed between them; 5 and upon such agreement being made they may jointly, or either of them may separately, with the assent of the other, apply to the Court for the sale to the tenant of his holding.

Restrictions
on sale of
holding.

28. No sale shall be made under this part of this Act unless the landlord is the absolute owner of the land which forms the holding 10 of the tenant, or such tenant for life or other limited owner as is in this section mentioned.

“Absolute owner” shall in the case of freehold land mean the owner in fee simple, or person capable of appointing or disposing of the fee, whether subject or not to incumbrances, and in the case 15 of leasehold land mean the owner or person capable of disposing of the whole interest in the lease under which the land is held, whether subject or no to incumbrances.

No holding of leasehold tenure shall be sold under this part of this Act unless the lease under which the landlord is possessed of the 20 land which forms the holding is a lease for lives or years renewable for ever, or a lease for a term of years of which not less than sixty are unexpired at the time of the sale being made; and no sale shall be made under this part of this Act by a landlord being the owner of a leasehold under a lease containing a prohibition against 25 alienation unless such prohibition has determined or is waived.

“Tenant for life” shall, for the purposes of this part of this Act, mean any person entitled under any existing or future settlement at law or in equity for his own benefit and for the term of his own life 30 to the possession or receipt of the rents and profit of land, whether subject or not to incumbrances in which the estate for the time being, subject to the trusts of the settlement, is an estate in fee simple or lease of such duration as is in this section herein-before mentioned.

“Other limited owner” shall mean any body corporate, any 35 trustees for charities, and any commissioners or trustees for collegiate or other public purposes, having an estate in fee simple, or possessed of such leasehold as is in this section mentioned.

Sale of
holding by
Court.

29. The application shall be accompanied by a deposit of such sum (if any) to be deposited by the landlord by way of security 40 for costs, as the Court may require. Upon the foregoing conditions

being complied with the Court shall make such inquiries as to the circumstances of the holding in respect of which the application is made, and as to the parties interested therein, either as incumbrancers, owners, or otherwise, and as to the sufficiency of the price
 5 and of the capacity of the landlord to sell the same, as the Court may think fit, and if the Court approve of the application, it shall carry such sale into effect accordingly, and execute the necessary conveyance to the tenant.

A.D. 1870.

30. The conveyance by the Court under this part of this Act of a
 10 holding to a tenant shall in the case of freehold land confer on the tenant an estate in fee simple in such holding, together with all rights, privileges, and appurtenances enjoyed or reputed as belonging or appertaining thereto, subject to such charges and interests, if any, as
 15 are in this part of this Act declared not to be incumbrances, but free from all other estates, incumbrances, and interests whatever, and shall in the case of leasehold land vest the holding in the tenant for the period, and subject to the rents, covenants, and conditions expressed in the lease relating to the land of which the holding forms part, and on the part of the lessee, his executors, administrators, and
 20 assigns to be paid, observed, and performed, subject to such charges and interests, if any, as are in this part of this Act declared not to be incumbrances, but free from all other incumbrances and estates whatsoever.

Estate of purchaser to be free from incumbrances.

31. The following charges and interests shall not be deemed in-
 25 cumbrances within the meaning of this part of this Act; that is to say,
 (1.) Quitrents and rentcharges in lieu of tithes:
 (2.) Rights of common, rights of way, watercourses, and rights of water and other easements:
 (3.) Heriots, manorial rights of all descriptions, and franchises:
 30 (4.) Charges for drainage, or other charges created under Act of Parliament, and to be specified in the conveyance.

Certain charges not incumbrances.

And every holding sold under this part of this Act shall, unless the contrary is expressed, be deemed to be subject to such of the above charges and interests as may be for the time being subsisting thereon.

32. The Court shall determine the rights and priorities of the
 35 several persons entitled to or having charges upon or otherwise interested in any holding sold in pursuance of this Act, and shall distribute the purchase money in accordance with such rights and priorities.

Distribution of purchase money.

40 Where any moneys arising from a sale under this part of this Act are not immediately distributable, or the parties entitled thereto cannot be ascertained, or where from any other cause the Court thinks it expedient for the protection of the rights of the parties interested,

A.D. 1870. the Court may order the moneys to be lodged in Court or in the prescribed bank to the prescribed account, and may by its order declare the trusts affecting such moneys, so far as the Court has ascertained the same, or state the facts or matters found by it in relation to the rights and interests on such moneys; and the Court 5 may make such orders in respect to any such moneys, and the investment or application thereof, or the payment thereof to the parties interested, as the circumstances of the case may require.

Costs of
sale.

33. There shall be charged, in respect of any sale made in pursuance of this part of this Act, such per-centage fee on the price 10 paid as the Treasury may prescribe, and the fees so charged shall be paid in to the receipt of Her Majesty's Exchequer and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Cost of
distribution
of purchase
money.

34. Where any purchase moneys have been so lodged in Court 15 or in the prescribed bank, provision shall be made in the prescribed manner with the sanction of the Treasury for the payment without cost to the persons entitled to any estate or interest in or having charges upon the holding so sold of any principal or interest moneys to which such persons may be entitled in respect of such estate 20 and interest: Provided that any provision so made shall not extend to any expense caused by disputed titles, or any expense incurred by the failure of any person to comply with the rules for the time being in force relating to the distribution of such purchase moneys.

General
powers of
Court in
conduct of
sale of land.

35. The Court shall have full power to apportion charges, rents, 25 and covenants, and decide all questions whatsoever, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any Court.

For the purposes of this part of this Act "the Court" shall mean 30 the Landed Estates Court.

Rules for
carrying
second part
of Act into
effect.

36. The Privy Council in Ireland may from time to time make, and, when made, may rescind, annul, or add to, rules with respect to the following matters:

- (1.) The proceedings to be had under this part of this Act: 35
- (2.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution:
- (3.) The scale of costs and fees to be charged in carrying this part of this Act into execution, and the taxation of such costs, and the persons by whom such costs and fees are to 40 be paid, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged:

(4.) The giving of notices to incumbrancers and other persons interested, and the service of such notices and any other matter by this part of this Act directed to be prescribed : A.D. 1870.

5 (5.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this part of this Act into execution :

In framing rules under this section the Privy Council shall provide that notice of any sale to be made under this part of this Act
10 shall be served upon every registered incumbrancer by sending it through the post in a prepaid letter addressed to such incumbrancer, and in proving service of any such notice it shall be sufficient to prove that such notice was properly directed to the incumbrancer at his last known place of abode, and that it was put as a prepaid letter
15 into the post office.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid
20 before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

PART III.

25 *Advances by and Powers of Board.*

37. Where any sums are due in respect of compensation under this Act from a landlord to a tenant who is quitting his holding, but has not been disturbed by his landlord, the Commissioners of Public Works in Ireland in this Act referred to as the Board may,
30 upon the application of such landlord, advance to the tenant on behalf of the landlord the whole or such portion of the sum so due as they may think expedient, and upon such advance being made such holding shall upon an order being made to that effect by the Civil Bill Court, be deemed to be charged with an annuity of six pounds
35 ten shillings for every one hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be payable within a term of twenty-two years, commencing at the date of the advance.

38. The Board may from time to time upon such security as they
40 may approve advance such sums as they may think fit to any landlord in Ireland, for the purpose of enabling him to reclaim waste land, Advances to landlords for improvement of waste lands.

A.D. 1870. lands; and where any landlord has contracted for the sale of any waste land the Board may advance upon security jointly given by the vendor and purchaser such sums as they may think fit, not exceeding a moiety of the purchase money contracted to be paid; and upon any such advance being made, such waste land, and any 5 other lands included in any such security, shall, upon an order being made to that effect by the Civil Bill Court, be deemed to be charged with an annuity of six pounds ten shillings for every one hundred pounds of such expenditure, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to 10 be declared to be repayable within a period of twenty-two years, commencing from the date of the advance.

Advances to
tenants for
purchase of
holdings.

39. The Board, if they are satisfied with the security, may advance to any tenant for the purpose of purchasing his holding in pursuance of this Act any sum not exceeding two thirds of the price of such 15 holding, and upon such advance being made the holding shall, upon an order being made by the Civil Bill Court to that effect, be deemed to be charged with an annuity of five pounds for every one hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board and to be declared to 20 be repayable in the term of thirty-five years, commencing from the date of the advance.

No purchaser, or person deriving title through him, of any holding to whom any advance has been made under this section shall without the consent of the Board, alienate, assign, subdivide, or 25 sublet his holding during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet in contravention of this section shall be forfeited to the Board, to be held by them for public purposes. 30

Advances to
tenants for
purchases of
holdings in
Landed Es-
tates Court.

40. Where an absolute order for the sale of any estate has been made by the Landed Estates Court, and the tenant of any holding forming part of such estate is desirous to purchase such holding, he may apply to the Board in the prescribed manner to advance any sum not exceeding two thirds of the amount he may pay for the 35 purchase of the same, and the Board may, subject to such conditions as to the price to be paid for such holding and to any matter relating to such purchase as they think fit, agree with such tenant to make such advance.

When any such tenant has been declared the purchaser of a hold- 40 ing, and has paid one third or any greater part of the purchase money, the Board may pay the balance of such purchase money instead of such tenant, and upon such payment being made by the

Board, the Landed Estates Court shall by order declare such holding to be charged with an annuity of five pounds for every hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board and to be
 5 declared to be repayable in the term of thirty-five years, commencing from the date of the advance, in equal half-yearly payments on every first day of May and first day of November during the said term, with such apportionment, if any, as may be necessary in respect of the first and last of such payments.

- 10 Any holding charged by order of the Landed Estates Court in manner aforesaid shall not, without the consent of the Board, be alienated, assigned, subdivided, or sublet, during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet
 15 in contravention of this section shall be forfeited to the Board, to be held by them for public purposes.

41. The Landed Estates Court shall on the sale of estates by said Court, so far as is consistent with the interests of the persons interested in the estates or the purchase money thereof, afford by
 20 the formation of lots for sale or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings under the provisions of this Act; and for that purpose shall hear any application in that behalf made by the Board or any such occupying tenant.

- 25 42. Where the landlord of an estate is willing to contract for the sale under the second part of this Act of his estate in its entirety but not in part, and the tenants of the holdings comprising four fifths in value of such estate are willing to purchase their holdings, and other purchasers can be found to buy the residue of such estate, and
 30 to pay one half of the purchase money payable in respect of such residue, such sale may be made accordingly under the second part of this Act in the same manner as if the whole of the purchasers of the estate were tenants of the landlord, and the Board may advance to such other purchasers one half of their purchase money upon the
 35 security of the residue of the estate, and such advance may at the discretion of the Board be made to such purchasers collectively on the security of the whole of the residue of such estate, or to such purchasers severally on the security of the portions bought by them respectively, or partly in one way and partly in the other. Where
 40 any advance is made to purchasers or a purchaser under this section, the land bought by such purchaser or purchasers shall, on an order made to that effect by the Civil Bill Court, be charged with an annuity of five pounds for every one hundred pounds of such advance,

A.D. 1870. — and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable within the term of thirty-five years, commencing from the date of the advance.

Advances
charged
on estate
by way of
annuity.

43. Every annuity created in favour of the Board in pursuance of this Act shall be a charge on the land subject thereto having 5 priority over all existing and future estates, interests, and incumbrances, with the exception of quit-rents and other charges incident to the tenure, to rentcharges in lieu of tithes, and any charges created under any Act authorizing advance of public money, or under any Act creating charges in respect of improvements on 10 lands, and passed before this Act, with the exception also (in cases where the lands are subject to a fee-farm rent, or held under a lease reserving rent) of such fee-farm rent or rent reserved as aforesaid.

Recovery of
annuity.

44. Every annuity created in pursuance of this Act shall be recoverable by the Board or by or in the name of the Attorney- 15 General for Ireland in manner in which rentcharges in lieu of tithes are recoverable in Ireland; a certificate purporting to be under the hand of a member for the time being of the Board shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein, is due to 20 the Board from such person.

Arrears of
annuity.

45. No arrears of any annuity charged on land in pursuance of this Act shall be recoverable after the expiration of two years from the date at which the sum in arrear became due; and as between owners having successive interests in any land so charged it shall be 25 the duty of the owner for the time being in possession or in receipt of the rents and profits of such land to prevent such arrears arising, and if he make default in doing so, and the owner next entitled in possession pay any arrears caused by such default, the amount so paid shall be a debt due to the owner who has paid the same from 30 the owner by whose default it became necessary to make such payment.

Power of
owner to
redeem
annuity.

46. Where any land is charged with an annuity in favour of the Board, it shall be lawful for any person liable to pay such annuity to redeem the said annuity, or so much thereof as may at 35 any time remain unexpired, by payment to the Board of a sum of money equivalent to the then value of the said annuity, such value to be calculated according to the table in the schedule annexed hereto.

Power of
Board to
commute and
compromise.

47. Where any person is entitled to receive any principal moneys in pursuance of the sale of any holding made by them in pursuance. 40 of this Act, the Board may, on the application of such person, commute such principal moneys for the payment of an annuity of

A.D. 1870.

equivalent value, the value of money being reckoned at three pounds ten shillings per cent. per annum, and where any such person as aforesaid is entitled to the payment of a sum annually, the Board may commute the same for the payment of a principal sum of 5 equivalent value, the value of money being reckoned at three pounds ten shillings per cent. per annum.

The Board may also, with the assent of the claimant, compromise by the payment of any principal or annual sum any postponed contingent or doubtful or other claim of any person to any share 10 or interest in the purchase money arising from the sale of any holding under this Act.

48. The Board shall in making advances, in the mode of investing and dealing with the funds that come into their possession, and in the mode of accounting for the same, and generally in the performance of their duties under this Act conform to any directions, 15 whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the Treasury, and shall report within such time and in such manner as the Treasury may direct to the Treasury all matters which may be transacted by 20 the Board.

Control of Board by Treasury, &c.

49. There shall be issued to the Board for the purposes of this Act at such times and in such sums and in such manner as the Treasury may determine any sums of money not exceeding in the whole one million pounds, and the Treasury may from time to time 25 issue to the said Board the said sum of one million pounds out of the Consolidated Fund or the growing produce thereof.

Issues of moneys to Board.

50. All repayments to the Board of principal sums or by way of annuities in respect of advances made by them shall from time to time be paid back to the Consolidated Fund in such manner as 30 the Treasury may direct.

Repayment to Consolidated Fund of advance.

51. The Civil Bill Court shall on the application of any person entitled to an annuity by this Act directed to be charged by order of the Civil Court, make an order charging the same accordingly, and the clerk of the peace of the county in which such Court has 35 jurisdiction shall keep an alphabetical registry in his office of all charging orders so made by the Court, and shall allow any person to inspect the same at all reasonable times on the payment of one shilling.

Duty of Civil Bill Court as to charging orders.

For the purpose of making charging orders in respect of any 40 holding the Civil Bill Court of the county in which such holding, or any part thereof is situate shall be deemed to have jurisdiction over such holding.

A.D. 1870.

PART IV.

SUPPLEMENTAL PROVISIONS.

*As to Legal Proceedings and Court.*Duty on
notice to
quit.

52. There shall be paid in respect of every notice to quit to be served on a tenant a duty of two shillings and sixpence, and such payment shall be denoted by a stamp on the notice. 5

Regula-
tions
as to notice
to quit.

53. No notice to quit shall be valid unless it is printed or written, or partly in print and partly in writing, and signed by the landlord or his agent, nor unless such notice at the time of the service thereof is duly stamped with a stamp denoting the pay- 10
ment of a duty of two shillings and sixpence. A notice to quit shall not in the case of a tenant from year to year take effect until after the expiration of a period of not less than a year from the date of the service of the notice, such period of a year, in the absence of agreement to the contrary, to terminate on the last gale 15
of the year. Any person serving on a tenant a notice to quit that is not in conformity with this section shall incur a penalty not exceeding forty shillings, to be recovered summarily under the provisions of the Petty Sessions (Ireland) Act, 1851.

In any proceedings between landlord and tenant, where the due 20
service of a notice to quit has been proved, such notice to quit shall, until the contrary is proved, be deemed to have been duly stamped.

Administra-
tion on death
of tenant.

54. The Civil Bill Court in any county on being satisfied that a tenant in such county has died, and that there is no legal personal 25
representative of such tenant or no legal personal representative whose services are available for the purposes of this Act, may, if a legal representation of the tenant is required for the purposes of this Act, by order appoint such person as it thinks best entitled to be administrator of the deceased tenant limited to the purposes of 30
this Act, and any such limited administrator shall for all the purposes of this Act represent the deceased tenant in the same manner as if the tenant had died intestate and administration had been duly granted to such limited administrator of all the personal estate and effects of the tenant. 35

Provision as
to married
women.

55. A married woman entitled to her separate use, and not restrained from anticipation, shall for the purposes of this Act be deemed a feme sole; but where any other married woman is desirous of making any application, giving any consent, or doing any act, or becoming party to any proceeding under this Act, in 40
relation to any holding, her husband's concurrence shall be required,

and she shall be examined by the Civil Bill Court of the county where she may for the time being be, or of the county where the holding is situate, apart from her husband touching her knowledge of the nature and effect of the application or other act, and it shall be ascertained that she is acting freely and voluntarily.

56. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding in relation to any holding under this Act, is a minor, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as aforesaid, being infant, idiot, or lunatic, or where any person the committee of whose estate if he were idiot or lunatic would be authorized to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for the Civil Bill Court of the county in which the holding is situate to appoint a guardian of such person for the purpose of any proceedings under this part of this Act, and from time to time to change such guardian; and where such Civil Bill Court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time to remove or change such next friend.

A.D. 1870.
Provision
as to other
persons
under dis-
ability.

57. For the purposes of carrying into effect the provisions of this Act, the judges of Civil Bill Courts in Ireland shall, in addition to the Civil Bill Courts now by law directed, hold such Courts in such places within their respective jurisdictions as may be prescribed.

Additional
sittings of
Civil Bill
Court.

58. There shall be paid to the judges and officers of the Civil Bill Courts in Ireland, by way of remuneration for the additional duties by this Act imposed upon them such annual sums by way of additional salaries respectively as the Lord Lieutenant may direct and the Commissioners of Her Majesty's Treasury may approve, and all such sums shall be paid by the said Commissioners out of moneys to be provided by Parliament for that purpose.

Additional
salaries to
judges and
officers of
Civil Bill
Courts.

59. In case it shall appear to the Lord Chancellor that from any reasonable cause the judge of any Civil Bill Court cannot conveniently hold the Courts prescribed under this Act, he may appoint

Appoint-
ment of sub-
stitute in

A.D. 1870.
Civil Bill
Court.

any other judge of a Civil Bill Court to hold such Courts in his stead; and thereupon the judge so appointed shall hold such Courts as aforesaid, and shall for the purposes thereof have all and every, the powers, authority, and jurisdiction of the judge in whose stead he shall have been appointed; and so long as he shall continue to 5 act in his stead, there shall be paid to him instead of to the said judge, the additional salary payable to the said judge under this Act.

PART V.

Miscellaneous.

10

Mode of
payment of
grand jury
cess in
certain cases.

60. Any person who, after the passing of this Act, becomes the occupier of any premises liable to grand jury cess, and who is liable to pay a rent in respect of the same, may deduct from such rent, for each pound of the rent which he is liable to pay, one half of the sum which he has paid as grand jury cess in respect of each pound 15 of the net annual value of such premises as valued for the purposes as such cess, and so in proportion for any less sum than a pound: Provided always, that it shall not be lawful for any such person to deduct from the rent payable by him for such premises a larger sum than one half of the amount of the cess that has been paid by him 20 in respect of the same.

Any person receiving rent in respect of any premises liable to grand jury cess, who also pays a rent in respect of the same, shall, if such rent is received and paid under contracts entered into after the passing of this Act, be entitled to deduct from the rent so 25 paid by him a sum bearing such a proportion to the amount of the cess deducted from the rent received by him as the rent paid by him bears to the rent received by him.

Non-liability
for rent for
land covered
by public
roads.

61. Any person who, after the passing of this Act, shall take at an acreable rent land adjoining or intersected by any public road 30 or public roads, shall not, except otherwise stipulated, be liable to rent for any portion of such land as may be contained in the public road or roads.

Where value
of premises
does not
exceed 4*l.*
immediate
lessor to pay
grand jury
cess.

62. Whenever the net annual value of the whole of the premises situate in any county of a city, county of a town, or barony, 35 occupied by any person under any tenancy whatsoever created after the passing of this Act, does not exceed four pounds, as valued for the purposes of grand jury cess, and the same are liable to grand jury cess, then such cess shall, after the passing of this Act, be paid and payable by the immediate lessor or lessors of 40 such person, and may be recovered from such immediate lessor

or lessors in like manner as but for the provisions of this section it might have been recovered from the person occupying such premises. A.D. 1870.

If any such cess payable by any such immediate lessor be not paid within four months after the same has become due, the person duly authorised to collect the same, may give notice in writing to the occupier for the time being of such premises to pay the cess due in respect of such premises, and after the expiration of one calendar month from the time of giving such notice, it shall be lawful to recover such cess from such occupier, or in his default from any subsequent occupier of the premises, in like manner as if the same were cess due in respect of premises of a net annual value greater than four pounds.

And every such occupier so paying such cess may deduct from the rent he may be then or next thereafter liable to pay in respect of any such premises the whole of any such cess that he may have paid in respect of the same premises, and if rent sufficient to cover such cess, be not then or do not thereafter become due from such occupier, he shall be entitled to recover the same from such immediate lessor by Civil Bill.

63. Where any tenancy at will is created by a landlord after the passing of this Act, the tenant under such tenancy shall on quitting his holding be entitled to notice to quit and compensation in the same manner in all respects as if he had been a tenant from year to year: Provided that this section shall not apply to any letting or contract for the letting of land made and entered into bonâ fide for the temporary convenience or to meet a temporary necessity either of the landlord or tenant. Tenancies at will.

Definitions.

64. In the construction of this Act the following words and expressions shall have the force and meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto: General definitions.

The term "person" or "party" shall extend to and include any body politic, corporate, or collegiate, whether aggregate or sole, and any public company:

The term "county" shall extend to and include county of a city, and county of a town, and a riding of a county: where such county of a city, county of a town, or riding of a county is appointed for civil bill purposes:

The term "prescribed" shall mean prescribed by any rules made in pursuance of this Act:

A.D. 1870. The term "lease" shall include an agreement for a lease :

The term "settlement" as used in this Act shall include any Act of Parliament, will, deed, or other assurance or connected set of assurances whereby particular estates or particular interests in land are created, with remainders or interests ex- 5 pectant thereon ; and every estate and interest created by appointment made in exercise of any power contained in any settlement or derived from any settlement shall be considered as having been created by the same settlement, and an estate or interest by way of resulting use or trust to or for the settlor, 10 or his heirs, executors, or administrators, shall be deemed to be an estate or interest under the same settlement.

Special definitions.

65. For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them, and no other meanings, that is to say,—

15

The term "holding" shall mean a farm or other holding of a tenant which is agricultural or pastoral in its character, or partly agricultural and partly pastoral :

The term "landlord" in relation to a holding shall mean any superior mesne or immediate landlord or any person for the 20 time being entitled to receive the rents and profits or to take possession of any holding :

The term "tenant" in relation to a holding shall mean any tenant from year to year and any tenant for a life or lives or for a term of years under a lease or contract for a lease, and 25 where the tenancy of any person having been a tenant under a tenancy which does not disentitle him to compensation under this Act, is determined or expiring, he shall, notwithstanding such determination or expiration, be deemed to be a tenant until he has received the compensation, if any, due to him 30 under this Act :

The personal representatives of any tenant shall also be included under the term "tenant :"

The term "improvements" shall mean in relation to a holding,—

(1.) Any work which being executed adds to the letting value 35 of the holding on which it is executed : and is suitable to such holding ; also,

(2.) Tillages, manures, fallows, or other like farming works, the benefit of which is unexhausted at the time of the tenant quitting his holding. 40

Short title of Act.

66. This Act may be cited for all purposes as "The Landlord and Tenant (Ireland) Act, 1870."

Application of Act.

67. This Act shall apply to Ireland only.

SCHEDULE.

Arbitrations.

- (1.) If both parties concur a single arbitrator may be appointed :
- 5 (2.) If the single arbitrator dies or becomes incapable to act before he has made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if no appointment of an arbitrator had taken place :
- 10 (3.) If both parties do not concur in the appointment of a single arbitrator, each party on the request of the other party shall appoint an arbitrator :
- 15 (4.) An arbitrator shall in all cases be appointed in writing, and the delivery of an appointment to an arbitrator shall be deemed a submission to arbitration on the part of the party by whom the same is made, and after any such appointment has been made neither party shall have power to revoke the same without the consent of the other :
- 20 (5.) If for the space of fourteen days after the service by one party on the other of a request made in writing to appoint an arbitrator such last-mentioned party fails to appoint an arbitrator, then upon such failure the party making the request and having himself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final :
- 25 (6.) If any arbitrator appointed by either party dies or becomes incapable to act before an award has been made the party by whom such arbitrator was appointed may appoint some other person to act in his place, and if for the space of fourteen days after notice in writing from the other party for that purpose he fails to do so the remaining or other arbitrator may proceed ex parte :
- 30

A.D. 1870.

- (7.) If where more than one arbitrator has been appointed either of the arbitrators refuses or for fourteen days neglects to act, the other arbitrator may proceed ex parte, and the decision of such arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties : 5
- (8.) If, where more than one arbitrator has been appointed, and where neither of them refuses or neglects to act as aforesaid, such arbitrators fail to make their award within twenty-one days after the day on which the last of such arbitrators was appointed, or within such extended time 10 (if any) as may have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as hereafter mentioned :
- (9.) Where more than one arbitrator has been appointed, the 15 arbitrators shall, before they enter upon the matters referred to them, appoint by writing under their hands an umpire to decide on any matters on which they may differ :
- (10.) If the umpire dies or becomes incapable to act before he 20 has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the arbitrators shall forthwith after such death, incapacity, or refusal appoint another umpire in his place : 25
- (11.) If in any of the cases aforesaid the said arbitrators refuse, or for fourteen days after request of either party to such arbitration neglect, to appoint an umpire, the Civil Bill Court, as defined by this Act, shall, on the application of either party to such arbitration, appoint an umpire : 30
- (12.) The decision of every umpire on the matters referred to him shall be final.
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A.D. 1870.

Table for Redemption of Annuities or Rent-charges.

Term unexpired.		Redemption Money to be paid in respect of each 10l. of Annuity.*	Term unexpired.		Redemption Money to be paid in respect of each 10l. of Annuity.*
		£ s. d.			£ s. d.
5	1	9 14 10	19		137 18 8
	2	19 3 1	20		142 19 5
	3	28 4 11	21		147 16 9
	4	37 0 6	22		152 10 10
10	5	45 10 1	23		157 1 8
	6	53 13 11	24		161 9 5
	7	61 12 2	25		165 14 1
	8	69 5 1	26		169 16 0
	9	76 12 8	27		173 15 0
15	10	83 15 3	28		177 11 5
	11	90 13 0	29		181 5 2
	12	97 6 1	30		184 16 5
	13	103 14 7	31		188 5 3
	14	109 18 8	32		191 11 8
20	15	115 18 7	33		194 15 11
	16	121 14 5	34		197 17 11
	17	127 6 3	35		200 17 10
	18	132 14 3			

Note.—This table is calculated on the assumption of the original purchase money being repaid in 35 years with interest at $3\frac{1}{2}$ per cent. payable half-yearly.

* Where the unexpired term includes part of a year such addition, if any, as may be necessary, shall be made to the redemption money in respect of such part of a year.

Irish Land.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the
Occupation and Ownership of Land
in Ireland.

(Prepared and brought in by
Mr. Gladstone, Mr. Chichester Fortescue, and
Mr. John Bright.)

*Ordered, by The House of Commons, to be Printed,
23 May 1870.*

[Bill 187.]

Under 5 oz.

Irish Land Bill.

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF BILL
AS AMENDED.]

ARRANGEMENT OF CLAUSES.

PART I.

LAW OF COMPENSATION TO TENANTS.

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A

B I L L

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF
BILL AS AMENDED,]

TO

Amend the Law relating to the Occupation and Ownership A.D. 1870.
of Land in Ireland.

WHEREAS it is expedient to amend the law relating to the
occupation and ownership of land in Ireland :

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

PART I.

LAW OF COMPENSATION TO TENANTS.

Claim to Compensation.

- 10 1. The usages prevalent in the province of Ulster, which are
known as, and in this Act intended to be included under, the
denomination of the Ulster tenant-right custom, are hereby declared
to be legal, and shall in the case of any holding in the province
of Ulster proved to be subject thereto, be enforced in manner
15 provided by this Act.

Legality of
Ulster
tenant-right
custom.

- Where the landlord has purchased or shall hereafter purchase
from the tenant the Ulster tenant-right custom to which his holding
is subject, such holding shall thenceforth cease to be subject to
the Ulster tenant-right custom.
- 20 A tenant of a holding subject to the Ulster tenant-right custom,
and who claims the benefit of such custom, shall not be entitled to
compensation under any other section of this Act; but a tenant of
a holding not claiming under the Ulster tenant-right custom shall
not be barred from making a claim for compensation, with the
25 consent of the Court, under any of the other sections of this Act;
and where such last-mentioned claim has been made and allowed
such holding shall not be again subject to the Ulster tenant-right
custom.

[Bill 145.]

A

A.D. 1870.

Legality of
tenant
custom other
than Ulster
custom.

2. If, in the case of any holding not situate within the province of Ulster, it shall appear that an usage prevails which in all essential particulars corresponds with the Ulster tenant-right custom, it shall in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by this Act. 5

Where the landlord has purchased or shall hereafter purchase from the tenant the benefit of such usage as aforesaid to which his holding is subject, such holding shall thenceforth cease to be subject to such usage.

A tenant of any holding subject to such usage as aforesaid, and 10 who claims the benefit of the same, shall not be entitled to claim compensation under any other section of this Act, but a tenant of a holding not claiming the benefit of such usage shall not be barred from making a claim for compensation with the consent of the Court under any of the other sections of this Act, and where such last- 15 mentioned claim has been made and allowed, such holding shall not be again subject to such usage as aforesaid.

Compensa-
tion in
absence of
custom.

3. Where the tenant of any holding held by him under a tenancy created after the passing of this Act is not entitled to compensation under sections one and two of this Act, or either of such sections, 20 or if entitled does not seek compensation under said sections or either of them, and is disturbed in his holding by the act of the landlord, he shall be entitled to such compensation for the loss which the Court shall find to have been sustained by him in quitting his holding, to be paid by the landlord, as the Court may think just, so 25 that the sum awarded does not exceed the scale following; that is to say,

In the case of holdings valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of— 30

- (1.) £10 and under, a sum which shall in no case exceed seven years rent;
- (2.) Above £10 and not exceeding £30, a sum which shall in no case exceed five years rent;
- (3.) Above £30 and not exceeding £40, a sum which shall in 35 no case exceed four years rent;
- (4.) Above £40 and not exceeding £50, a sum which shall in no case exceed three years rent;
- (5.) Above £50 and not exceeding £100, a sum which shall in no case exceed two years rent; 40
- (6.) Above £100 a sum which shall in no case exceed one year's rent;

But in no case shall the compensation exceed the sum of £250.

Any tenant in a higher class of the scale may, at his option, claim to be compensated on so much only of his rent as will bring him into a lower class. A.D. 1870.

Provided, that no tenant of a holding valued at a yearly sum exceeding £10, and claiming under this section more than four years rent, and no tenant of a holding valued at a yearly sum not exceeding £10, and claiming as aforesaid more than five years rent, shall be entitled to make a separate or additional claim for improvements other than permanent buildings and reclamation of waste land.

10 Provided that,—

(1.) Out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of rent, or in respect of any deterioration of a holding arising from non-observance on the part of the tenant of any
15 express or implied covenant or agreement may be deducted by the landlord, and also any taxes payable by the tenant due in respect of the holding, and not recoverable by him from the landlord :

(2.) A tenant of a holding who at any time after the passing of this Act subdivides such holding or sub-lets the same or any part thereof without the consent of the landlord in writing, shall not, nor shall any sub-tenant of or under any such tenant as last aforesaid be entitled to any compensation under this section, } with this qualification, that in the case of
20 holdings of twenty-five acres and upwards of tillage land, the letting by a tenant of a portion of land to agricultural labourers bonâ fide required for the cultivation of the holding for cottages or gardens, not exceeding half an acre in each case, and not being in number such as to raise
25 the total of such cottages on the holding to more than one for every twenty-five acres of tillage land, shall not be deemed to be a subdivision or sub-letting of land for the purposes of this section :

Provided that no tenant of any holding shall erect any labourer's cottage on his holding without first applying to the landlord or his known agent for liberty so to do ; and in case the landlord shall within twelve months from such application erect the cottage at his own expense, the tenant shall not be at liberty to erect a cottage on the
35 said holding : |

(3.) A tenant of a holding under a lease made after the passing of this Act, and granted for a term certain of not less than

A.D. 1870.

thirty-one years, shall not be entitled to any compensation under this section, but he may claim compensation under section four of this Act.

The tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not 5 more than one hundred pounds and held by him under a tenancy from year to year existing at the time of the passing of this Act shall, if disturbed by the act of his immediate landlord, be entitled to compensation under and subject to the provisions of this section.

Any contract made by a tenant by virtue of which he is deprived 10 of his right to make any claim which he would otherwise be entitled to make under this section, shall, so far as relates to such claim, be void; this provision shall remain in force for twenty years from the first day of January one thousand eight hundred and seventy-one, and thereafter until Parliament shall otherwise determine. 15

Compensation in respect of improvements.

4. Any tenant of a holding who is not entitled to compensation under sections one and two of this Act, or either of such sections, or if entitled does not make any claim under the said sections, or either of them, may on quitting his holding, and subject to the provisions of section three of this Act, claim compensation to be 20 paid by the landlord under this section in respect of all improvements on his holding made by him or his predecessors in title.

Provided that,—

Exception of certain improvements.

(1.) A tenant shall not be entitled to any compensation in respect of any of the improvements following, that is to 25 say,—

(a.) In respect of any improvement made twenty years before the passing of this Act except permanent buildings and reclamation of waste land; or,

(b.) In respect of any improvement prohibited in 30 writing by the landlord as being and appearing to the Court to be calculated to diminish the general value of the landlord's estate and made within two years after the passing of this Act, or made during the unexpired residue of a lease granted before the passing of this 35 Act; or,

(c.) In respect of any improvement made either before or after the passing of this Act in pursuance of a contract entered into for valuable consideration therefor; or, 40

(d.) (Subject to the rule in this section mentioned as to contracts) in respect of any improvement made, either

before or after the passing of this Act, in contravention of a contract in writing not to make such improvement; or, A.D. 1870.

(e.) In respect of any improvement made either before or after the passing of this Act, which the landlord has undertaken to make, except in cases where the landlord has failed to perform his undertaking within a reasonable time.

(2.) A tenant of a holding under a lease or written contract made before the passing of this Act shall not be entitled on being disturbed by the act of the landlord in or on quitting his holding to any compensation in respect of any improvement, his title to which is excluded by such lease or contract: Exception of certain tenancies.

(3.) A tenant of a holding under a lease made either before or after the passing of this Act, for a term certain of not less than thirty-one years, or in case of leases made before the passing of this Act for a term of lives with or without a concurrent term of years, and which leases shall have existed for thirty-one years before the making of the claim, shall not be entitled to any compensation in respect of any improvement unless it is specially provided in the lease that he is entitled to such compensation, except permanent buildings and reclamation of waste land; and tillages or manures, the benefit of which tillages or manures is unexhausted at the time of the tenant quitting his holding:

(4.) A tenant of a holding, who is quitting the same voluntarily, shall not be entitled to any compensation in respect of any improvement when it appears to the Court that such tenant has been given permission by his landlord to dispose of his interest in his improvements to an incoming tenant upon such terms as the Court may deem reasonable, and the tenant has refused or neglected to avail himself of such permission:

(5.) Out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of rent, or in respect of any deterioration of the holding arising from non-observance on the part of the tenant of any express or implied covenant or agreement may be deducted by the landlord, and also any taxes payable by

A.D. 1870.

the tenant due in respect of the holding and not recoverable by him from the landlord.

Any contract between a landlord and a tenant whereby the tenant is prohibited from making such improvements as may be required for the suitable occupation of his holding and its cultivation in a due course of husbandry, shall be void both at law and in equity, but no improvement shall be deemed to be required for the suitable occupation of a tenant's holding and its cultivation in a due course of husbandry, which appears to the Court to diminish the general value of the estate of the landlord. 10

Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section shall, so far as relates to such claim, be void.

Where a tenant has made any improvements before the passing 15 of this Act on a holding held by him under a tenancy existing at the time of the passing thereof, the Court in awarding compensation to such tenant in respect of such improvements shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improve- 20 ments, also the rent at which such holding has been held and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made.

Presumption
in respect of
improve-
ments.

5. For the purposes of compensation under this Act in respect of 25 improvements on a holding which is not proved to be subject either to the Ulster tenant-right custom or to such usage as aforesaid, or where the tenant does not seek compensation in respect of such custom or usage, all improvements on such holding shall, until the contrary is proved, be deemed to have been made by the tenant or 30 his predecessors in title, except in the following cases where compensation is claimed in respect of improvements made before the passing of this Act,—

- (1.) Where such improvements have been made previous to the time at which the holding in reference to which the claim 35 is made was conveyed on actual sale to the landlord or those through whom he derives title :
- (2.) Where the tenant making the claim was tenant under a lease of the holding in reference to which the claim is made :
- (3.) Where such improvements were made twenty years or 40 upwards before the passing of this Act :

(4.) Where the holding upon which such improvements were made is valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of more than one hundred pounds. A.D. 1870.

5 6. Where any tenant of a holding does not claim or has not obtained compensation under sections one, two, or three of this Act, and it is proved to the satisfaction of the Court that any such tenant, or that his predecessors in title on coming into his holding paid money or gave money's worth with the express or implied consent
10 of the landlord on account of his so coming into his holding, the Court shall award to such tenant in respect of the sum so paid such compensation as it thinks just, having regard to the circumstances of the case; but such tenant shall not be entitled to any compensation under this section when it appears to the Court that
15 such tenant has been given permission by the landlord to obtain such satisfaction from an incoming tenant in respect of the money so paid, or the money's worth so given by him, and on such terms as the Court may think reasonable, and such tenant has refused or neglected to avail himself of such permission; moreover where the money or
20 money's worth paid or given by any tenant claiming compensation under this section on coming into his holding was paid or given in whole or in part in respect of any improvements on his holding, care shall be taken that such tenant shall not receive compensation in respect of the same improvements under this section and also
25 under some other section of this Act: Provided, that out of any moneys payable to the tenant under this section all sums due to the landlord from the tenant in respect of rent, or in respect of any deterioration of a holding arising from non-observance on the part of the tenant of any express or implied covenant or agreement, and
30 also any taxes payable by the tenant due in respect of the holding, and not recoverable by him from the landlord, may, if not deducted under the provisions of section four of this Act, be deducted by or on behalf of the landlord: Provided always, that this section shall not apply when such money or money's worth has been paid during
35 the existence of a lease made before the passing of this Act.

7. Where a holding is proved to be subject to the Ulster tenant-right custom, or such usage as aforesaid, and where the tenant claims under such custom or usage and such custom or usage extends to away-going crops, the compensation payable in respect of away-
40 going crops shall be dealt with according to the custom or usage, but the tenant of every other holding, which is not proved to be subject to the Ulster tenant-right custom or such usage as afore-

A.D. 1870. — said, or in respect of which no claim is made under such custom or usage, shall, in the absence of any agreement in writing to the contrary, on quitting his holding, be entitled to all his away-going crops, or at the option of the landlord to be paid the value of the same. 5

Limitation
as to disturb-
ance in hold-
ing.

8. For the purposes of this Act ejectment for nonpayment of rent shall not be deemed disturbance of the tenant by act of the landlord, unless the Court decides that it ought on special grounds to be so deemed in the case of a person claiming compensation on the determination by such ejectment of a tenancy existing at the time of the passing of this Act, and continuing to exist without any alteration of rent up to the time of such determination; and for the purposes of this Act a person who is ejected for nonpayment of rent, and is not disturbed by act of the landlord within the meaning of this Act, shall stand in the same position in all respects as if he were quitting his holding voluntarily. 10 15

Exception
in case of
lands re-
quired for
labourers
cottages.

9. Any landlord may, after six months notice in writing, to be served upon the tenant, or left at his house, resume possession from a yearly tenant of so much land (not to exceed in the whole one twenty-fifth part of any individual holding), as he may require for the bonâ fide purpose of erecting thereon one or more labourers cottages, with or without gardens attached, and such resumption of land shall not, unless the Court shall be of opinion that same was unreasonable, be deemed a disturbance of the tenant within the meaning of this Act, and shall not subject the landlord to any claim for compensation, except in respect of improvements, beyond a proportionate abatement of rent. 20 25

Derivative
title of
tenant.

10. For the purposes of this Act a tenant shall be deemed to have derived his holding from the preceding tenant if he has paid to such preceding tenant any money or given to him any money's worth in respect of his holding, or has taken such holding by assignment or operation of law or by succession from the preceding tenant; and where a succession of tenants have derived title each from the other the earlier in such succession shall be deemed to be the predecessor of the later, and the later in such succession shall be deemed to be the successor of the earlier. 30 35

Partial
exemption
of certain
tenancies.

11. A tenant of a holding which is not proved to be subject to the Ulster tenant-right custom or such other usage as aforesaid, valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than fifty pounds, shall not be entitled to make any claim for compensation under any 40

provision of this Act in cases where the tenant has contracted in writing with his landlord that he will not make any such claim. A.D. 1870.

12. No compensation shall be payable under the preceding provisions of this Act in respect of—

Exemption
of certain
lands.

- 5 (1.) Any demesne land, or any holding ordinarily termed
“townparks” adjoining or near to any city or town which
shall bear an increased value as accommodation land over
and above the ordinary letting value of land occupied as a
10 farm, and shall be in the occupation of a person living in
such city or town, or the suburbs thereof, or any holding
used wholly or mainly for the purpose of pasture, and
valued under the Acts relating to the valuation of property
in Ireland at an annual value of not less than fifty pounds,
15 or any holding used wholly or mainly for the purposes of
pasture the tenant of which does not actually reside on
the same, unless such holding adjoins or is ordinarily used
with the holding on which such tenant actually resides:
Provided, that nothing herein contained shall prevent the
tenant of any such holding making any claim which he
20 otherwise would be entitled to make under sections four,
five, and six of this Act; or,
- (2.) Any holding which the tenant holds by reason of his being a
hired labourer or hired servant of the landlord; or,
- (3.) Any letting in conacre or for the purposes of agistment or
25 for temporary depasturage; or,
- (4.) Any holding let and expressed in the document by which it
is let to be so let for the temporary convenience or to meet
a temporary necessity either of the landlord or tenant, and
the letting of which has determined by reason of the cause
30 having ceased which gave rise to the letting.

Proceedings in respect of Claims.

13. Every tenant entitled under this Act to make any claim in respect of any right or for payment of any sums due to him by way of compensation, and about to quit his holding, may
35 within the prescribed time serve a notice of such claim on his landlord. The notice shall be in writing in the prescribed form, and shall state the particulars of such claim, and, where such claim or any part of the same is in respect of compensation under the provisions of section three of this Act, the number of years rent
40 claimed shall be specified.

Proceedings
by tenant.

A.D. 1870.

Proceedings
by landlord.

14. On the receipt of the notice the landlord shall be deemed to have admitted the claim made by the tenant unless within the prescribed time and in the prescribed manner he serves a notice on the tenant, stating that he disputes the whole or some portion of the claim made by the latter, and upon service of such notice 5 by a landlord on the tenant a dispute shall be deemed to have arisen between the landlord and the tenant as to the whole or a portion of such claim, and such dispute shall be decided by the Court.

Equities
between
landlord and
tenant.

15. On the hearing of any dispute between landlord and tenant under this Act, either party may make any claim, urge any objection 10 to the claim of the other, or plead any set-off such party may think fit (including in the case of a landlord any moneys paid on account of the purchase of the right of the tenant under the Ulster tenant-right custom or such usage as aforesaid), and the Court shall take into consideration any such claim, objection, or set-off, also 15 any such default or unreasonable conduct of either party as may appear to the Court to affect any matter in dispute between the parties, and shall admit, reduce, or disallow altogether any such claim, objection, or set-off made or pleaded on behalf of either party as the Court thinks just, giving judgment on the case with regard 20 to all its circumstances, including such consideration of conduct as aforesaid, and the Court shall have jurisdiction at the hearing of any such dispute to ascertain what sums, if any, shall be deemed due by the tenant to the landlord under sections three, four, and six of this Act, or any set-off in respect of unliquidated or liquidated 25 damages under said sections, or any of them; and in any case in which compensation shall be claimed under section three of this Act, if it shall appear to the Court that the landlord has been and is willing to permit the tenant to continue in the occupation of his holding upon just and reasonable terms, and that such terms have 30 been and are unreasonably refused by the tenant, the claim of the tenant to such compensation shall be disallowed.

Provision in
case of
derivative
estates in
the same
holding.

16. Where in the case of any holding there are several persons standing in the relation to each other of landlord and tenant, and the circumstance of any one of such tenants quitting his holding by 35 reason of disturbance or otherwise involves the interest of any of such persons other than the tenant quitting his holding, the Court shall determine the whole amount payable under this Act on the occasion of such tenant quitting his holding, and shall direct payment of the same by such person and to such one or more of the 40 persons interested, and in such manner as the Court thinks just: Provided, that this section shall not affect the Ulster tenant-right

custom or such usage as aforesaid to which any holding is proved to be subject. A.D. 1870.

17. A tenant who may be decided by the Court to be entitled to compensation to be paid by any landlord shall not be compelled by process of law to quit his holding until the amount of compensation due to him has been paid or satisfied, unless the judge or chairman before whom the case shall be tried shall otherwise direct, upon the payment of such sum into Court as the judge or chairman may order; and any amount payable shall be deemed to be a debt due to him from such landlord, and the tenant may set off such debt against any rent for the time being due from him to such landlord in respect of his holding, but not so as to defeat an ejectment for nonpayment of rent: Provided also, that if the tenant after verdict in ejectment for nonpayment of rent shall redeem, pursuant to the Statutes in that behalf, the amount due for such compensation as aforesaid shall not be deducted in estimating the amount payable for redemption.
- Restriction
on eviction
of tenant.

Court to award Compensation.

18. For the purposes of this part of this Act the Court shall mean one or other of the tribunals following; that is to say,—
- The Civil Bill Court of the county where the matter requiring the cognizance of the Court arises: or,
- The Court of Arbitration constituted as in this Act mentioned.
- Where a matter requiring the cognizance of the Court arises in respect of a holding situate within the jurisdiction of more than one Civil Bill Court, any Civil Bill Court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter.
- Court to
mean Civil
Bill Court
or Court of
Arbitration.

19. The judge of the Civil Bill Court (herein-after called the chairman) shall in all cases brought before him, under the provisions of this Act, have power to take evidence upon oath, and to compel the attendance of witnesses, and shall have all and the same powers, jurisdiction, and authority as in cases of Civil Bill ejectment coming within his jurisdiction as such judge.
- 20 The chairman may, with the consent of both parties, hear and determine any case brought before him under this Act in chamber, if he so thinks fit, and when so sitting in chamber he shall have all and the same powers, jurisdiction, and authority in respect to cases so heard as if sitting in open court.
- 21 The chairman may, within the prescribed time after making any order, review or rescind or vary any order previously made by him,
- Civil Bill
Court.

A.D. 1870. but save as aforesaid, and as provided by this Act with respect to appeal, every order of the Civil Bill Court shall be final.

Any order made by the chairman under this Act, may be enforced by attachment or otherwise in the same manner as if it were the order of any of the superior courts of common law at Dublin, and if such order made by the chairman be for the payment of money, it may also be enforced in the same manner as civil bill decrees for money demands made by such chairman.

Appeal from
Civil Bill
Court.

20. Any person aggrieved by any order of the chairman made under this Act may, within the prescribed time and in the prescribed manner, appeal therefrom, in manner following, that is to say:—

(1.) Where such order has been made in the county or the county of the city of Dublin to two judges of the superior courts of common law to be from time to time selected by the Court for Land Cases reserved: 15

(2.) Where such order has been made elsewhere to the judges of assize of the county in which such order has been made:

And every such appeal, so far as the same involves questions of fact, may be heard and determined by one of the said judges; but in case any question of law shall arise upon any such appeal, such question shall be heard and determined by both the said judges, who shall for such purpose sit together. 20

The judge or judges hearing such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the Court below and of the appeal as may be agreeable to justice; and if the judge or judges alter or modify the order, such order so altered or modified, and signed by the judge or judges, shall be of the like effect as if it were the order of the Civil Bill Court. The judge or judges may also, in cases where he or they think it expedient so to do, instead of making a final order, remit the case, with such directions as he or they may think fit, to the Court below. 25 30

The judges to whom any such appeal may be made, may, where they deem it expedient, reserve any matter or question arising upon such appeal by way of case stated for the consideration of the Court for Land Cases reserved at Dublin. 35

The Court for Land Cases reserved at Dublin shall, for the purposes of this Act, be constituted in manner following, that is to say; the Lord Chancellor, the Master of the Rolls, the Vice-Chancellor, and all the judges of the Common Law Courts shall be judges of the said Court for Land Cases reserved, and any five of such judges, the Lord Chancellor or Master of the Rolls or the Vice-Chancellor or one of the chief judges of the Common Law Courts being one, shall 40

have power to hear and determine any matters that shall be brought before the said Court. A.D. 1870.

The officers of the Court of Exchequer Chamber shall act as officers of the Court for Land Cases reserved.

- 5 All cases referred to the Court for Land Cases reserved shall be prosecuted, heard, and determined by such Court, in such manner and form and subject to such rules and regulations as the said Court may from time to time, by rule direct.

- 10 The Court for Land Cases reserved shall give such judgment as ought to have been given in the Court below by the judges thereof, and such judgment shall be of the like effect as if it were the judgment of the said judges, or the Court of Land Cases reserved may remit the case with such directions as they think fit to the Court below.

- 15 21. Where the parties to any such dispute as aforesaid respecting any holding are desirous that such dispute should be settled by arbitration, they shall, in the prescribed manner and within the prescribed time, refer the same to an arbitrator or arbitrators, with an umpire to be appointed in manner appearing in the schedule
20 annexed hereto, and the tribunal so selected shall be deemed in respect of such dispute the Court of Arbitration under this Act.

- The Court of Arbitration shall, in all cases brought before it under this Act, have all and the like powers, jurisdiction, and authority as a Civil Bill Court under this Act, with this exception, that the
25 Court of Arbitration shall have no power to punish persons for contempt, or to enforce its awards; but it may report to the Civil Bill Court the name of any person refusing to give evidence, or to produce documents, or guilty of contempt of the Court when sitting judicially; and the Civil Bill Court may, upon such report, punish the offender
30 in the same manner as if the offence had been committed in, or in respect of a matter under the cognizance of the Civil Bill Court.

- The award of the Court of Arbitration may, at the instance of either party, be recorded in the prescribed manner and within the prescribed time in the Civil Bill Court, and when so recorded shall
35 be enforceable as if the same were an order of said Court.

- No such award shall, so far as relates to the dispute under this Act, be held to be invalid by reason of the violation of or non-compliance with any technical rule of law respecting awards: where such award substantially decides the dispute referred to the Court
40 of Arbitration.

No appeal shall lie from an award of the Court of Arbitration, nor shall any such award be removable by certiorari.

A.D. 1870.

Powers of limited Owners.“ Limited
owner.”

22. The expression “ limited owner ” shall in this Act mean as follows :

- (1.) Any person entitled under any existing or future settlement at law or in equity, for his own benefit and for the term of 5 his own life, to the possession or receipt of the rents and profits of land, whether subject or not to incumbrances, in which the estate for the time being subject to the trusts of the settlement is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less 10 than sixty years, or is an estate for a term of years of which not less than sixty are unexpired, or is a greater estate than any of the foregoing estates :
- (2.) Any body corporate, any corporation sole, ecclesiastical, or lay, any trustees for charities, and any commissioners or 15 trustees for ecclesiastical, collegiate, or other public purposes, entitled at law or in equity, in the case of freehold land to an estate in fee simple or in fee farm, and in the case of leasehold land to a lease for an unexpired residue of not less than thirty-one years, or for a term of years or 20 of lives renewable for ever, or renewable for a period of not less than thirty-one years.

Agreement
by limited
owner.

23. A landlord, being a limited owner, shall have power to agree with a tenant as to the amount of compensation payable to him under this Act, and on payment of the same to the tenant, may 25 apply to the Civil Bill Court for an order charging the holding with an annuity in respect of such payment, and the Court, upon being satisfied of such payment having been made, shall charge the holding with an annuity of five pounds for every one hundred pounds of the sum so paid to the tenant, and so on in propor- 30 tion for any less sum, such annuity to be limited in favour of the limited owner, his executors, administrators, and assigns, and to be payable for a term of thirty-five years on the anniversary of such date: Provided, that no such order shall be made by the Court unless notice of the application for the same shall have 35 been given in the prescribed form to the person for the time being entitled to the first estate of inheritance, if any, expectant upon the determination of the estate of the limited owner, or if such person shall be a married woman, infant, or lunatic, to his or her husband, guardian, or committee respectively. Any annuity 40 created under this section shall be a charge upon the holding having priority over all estates and interests subsequent to the

estate or interest of the limited owner, but subject to any estates, mortgages, or other interests having priority over or charged on the estate of the limited owner. A.D. 1870. —

24. Any limited owner shall have power to grant agricultural leases, for any term of years absolute, or determinable at fixed periods, subject to the following restrictions: Power of limited owner to lease.

- (1.) The term of any lease shall not exceed thirty-one years:
- (2.) The power of leasing conferred by this Act shall not include any mansion house or demesne lands:
- 10 (3.) The lease shall take effect in possession, or within one year after the execution thereof, and not in reversion, and there shall be reserved thereby a fair yearly rent, to be incidental to the immediate reversion of the holding without taking anything in the nature of a fine, premium, or fore-
15 gift; and in estimating such yearly rent it shall not be necessary to take into account against the tenant the increase (if any) in the value of the holding arising from any improvements executed by him:
- (4.) The lease shall imply a condition of re-entry for non-
20 payment of the rent thereby reserved:
- (5.) The lease, if it includes any building, shall contain a clause declaring whether the landlord or the tenant is bound to rebuild such building in the case of the same being de-
25 stroyed during any part of the tenancy by fire, lightning, or tempest, and whether the landlord or the tenant is bound to keep the same in repair:
- (6.) The lessee shall execute a counterpart of every lease, and shall thereby covenant for the due payment of the rent reserved:
- 30 Upon the application of any landlord or tenant the Civil Bill Court may confirm any lease granted or proposed to be granted under this Act, and such Court may, if it thinks just, confirm or refuse to confirm such lease with or without modifications, and the confir-
35 mation of any such lease shall be deemed conclusive evidence of the lease being within the powers of this Act; the confirmation of a lease shall be certified in the prescribed manner.

25. Any lease granted in pursuance of this Act by an individual limited owner shall be valid against the person granting the same, and against all persons entitled to any estate or interest subsequent to the estate or interest of such limited owner; and any lease granted in pursuance of this Act by any limited owner, being a body corporate, corporation sole, trustees for charities, commissioners or trustees

Effect of lease by limited owner.

A.D. 1870.

for ecclesiastical, collegiate, or other public purposes, shall bind all the estate and interest of such last-mentioned limited owner; but no lease granted by an owner holding himself under a lease shall continue after the expiration of the term granted by such owner's lease.

5

Leasing
powers of
Act to be
cumulative.

26. All powers of leasing given by this Act shall be deemed to be in addition to any other powers any limited owner may possess, and such owner may exercise any other power of leasing vested in him in the same manner as if this Act were not passed.

Rules for
carrying
first part of
Act into
effect.

27. The Court for Land Cases reserved, or any five of the judges of the said Court (the Lord Chancellor or Master of the Rolls or Vice-Chancellor or one of the chief judges of the Common Law Courts being one) may from time to time make, and when made may rescind, annul, or add to rules with respect to the following matters :—

15

- (1.) The proceedings in the Civil Bill Court and Court of Arbitration under this part of this Act :
- (2.) The proceedings in Appeals under this part of this Act :
- (3.) The proceedings in Land Cases reserved under this part of this Act :
- (4.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution :
- (5.) The scale of costs and fees to be charged in carrying this part of this Act into execution, and the taxation of such costs and fees, and the persons by whom such costs and charges are to be paid, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged :
- (6.) The service of notices on incumbrancers and other persons interested, and any other matter by this part of this Act directed to be prescribed :
- (7.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this part of this Act into effect.

20

30

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

35

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

40

PART II.

A.D. 1870.

Sale of Land to Tenants.

28. Subject to the restrictions herein-after mentioned the landlord and tenant of any holding in Ireland may agree for the sale of the holding to the tenant at such price as may be fixed between them; and upon such agreement being made they may jointly, or either of them may separately, with the assent of the other, apply to the Landed Estates Court in this part of this Act referred to as "the Court" for the sale to the tenant of his holding.

Application
to Court for
sale of hold-
ing.

29. No sale shall be made under this part of this Act unless the landlord is the absolute owner of the land which forms the holding of the tenant, or such tenant for life or other limited owner as is in this section mentioned.

Restrictions
on sale of
holding.

"Absolute owner" shall in the case of freehold land mean the owner in fee simple or in fee farm, or person capable of appointing or disposing of the fee, whether subject or not to incumbrances, and in the case of leasehold land mean the owner or person capable of disposing of the whole interest in the lease under which the land is held, whether subject or not to incumbrances.

No holding of leasehold tenure shall be sold under this part of this Act unless the lease under which the landlord is possessed of the land which forms the holding is a lease for lives or years renewable for ever, or a lease for a term of years of which not less than sixty are unexpired at the time of the sale being made; and no sale shall be made under this part of this Act by a landlord being the owner of a leasehold under a lease containing a prohibition against alienation unless such prohibition has determined or is waived.

"Tenant for life" shall, for the purposes of this part of this Act, mean any person entitled under any existing or future settlement at law or in equity for his own benefit and for the term of his own life to the possession or receipt of the rents and profit of land, whether subject or not to incumbrances in which the estate for the time being, subject to the trusts of the settlement, is an estate in fee simple or fee farm or a lease of such duration as is in this section mentioned.

"Other limited owner" shall mean any body corporate, any trustees for charities, and any commissioners or trustees for collegiate or other public purposes, having an estate in fee simple or fee farm, or possessed of such leasehold as is in this section mentioned, whether subject or not to incumbrances.

30. The application shall be accompanied by a deposit of such sum (if any) to be deposited by the landlord by way of security for costs, as the Court may require. Upon the foregoing conditions being complied with the Court shall make such inquiries as to the

Sale of
holding by
Court.

A.D. 1870. — circumstances of the holding in respect of which the application is made, and as to the parties interested therein, either as incumbrancers, owners, or otherwise, and as to the sufficiency of the price and of the capacity of the landlord to sell the same, as the Court may think fit, and if the Court approve of the application, it shall 5 carry such sale into effect accordingly, and execute the necessary conveyance to the tenant.

Estate of purchaser to be free from incumbrances.

31. The conveyance by the Court under this part of this Act of a holding to a tenant shall in the case of freehold land confer on the tenant an estate in fee simple or fee farm, as the case may be, in 10 such holding, together with all rights, privileges, and appurtenances enjoyed or reputed as belonging or appertaining thereto, subject to such charges and interests, if any, as are in this part of this Act declared not to be incumbrances, and in the case of estates in fee farm to the rents, covenants, and conditions expressed in the grant 15 relating to the land of which the holding forms the whole or part, and on the part of the grantee, his heirs, executors, administrators, and assigns, to be paid, observed, and performed, but free from all other estates, incumbrances, and interests whatever, and shall in the case of leasehold land vest the holding in the tenant for the 20 period, and subject to the rents, covenants, and conditions, expressed in the lease relating to the land of which the holding forms the whole or part, and on the part of the lessee, his executors, administrators, and assigns to be paid, observed, and performed, subject to such charges and interests, if any, as are in this part of this Act 25 declared not to be incumbrances, but free from all other incumbrances and estates whatsoever.

Certain charges not incumbrances.

32. The following charges and interests shall not be deemed incumbrances within the meaning of this part of this Act; that is to say,

- (1.) Quitrents and rentcharges in lieu of tithes: 30
- (2.) Rights of common, rights of way, watercourses, and rights of water and other easements:
- (3.) Heriots, manorial rights of all descriptions, and franchises:
- (4.) Charges for drainage, or other charges created under Act of Parliament, and to be specified in the conveyance. 35

And every holding sold under this part of this Act shall, unless the contrary is expressed, be deemed to be subject to such of the above charges and interests as may be for the time being subsisting thereon.

Distribution of purchase money.

33. The Court shall determine the rights and priorities of the several persons entitled to or having charges upon or otherwise 40 interested in any holding sold in pursuance of this Act, and shall distribute the purchase money in accordance with such rights and priorities.

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Where any moneys arising from a sale under this part of this Act are not immediately distributable, or the parties entitled thereto cannot be ascertained, or where from any other cause the Court thinks it expedient for the protection of the rights of the parties interested, 5 the Court may order the moneys to be lodged in Court or in the prescribed bank to the prescribed account, and may by its order declare the trusts affecting such moneys, so far as the Court has ascertained the same, or state the facts or matters found by it in relation to the rights and interests in such moneys; and the Court 10 may make such orders in respect to any such moneys, and the investment or application thereof, or the payment thereof to the parties interested, as the circumstances of the case may require.

34. There shall be charged, in respect of any sale made in pursuance of this part of this Act, such per-centage fee on the price 15 paid as the Treasury may prescribe, and the fees so charged shall be paid in to the receipt of Her Majesty's Exchequer and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland. Costs of sale.

35. Where any purchase moneys have been so lodged in Court 20 or in the prescribed bank, provision shall be made in the prescribed manner with the sanction of the Treasury for the payment without cost to the persons entitled to any estate or interest in or having charges upon the holding so sold of any principal or interest moneys to which such persons may be entitled in respect of such estate 25 and interest: Provided that any provision so made shall not extend to any expense caused by disputed titles, or any expense incurred by the failure of any person to comply with the rules for the time being in force relating to the distribution of such purchase moneys. Cost of distribution of purchase money.

36. The Court shall have full power to apportion charges, rents, 30 and covenants, and decide all questions whatsoever, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any Court. General powers of Court in conduct of sale of land.

37. The Privy Council in Ireland may from time to time make, 35 and, when made, may rescind, annul, or add to, rules with respect to the following matters: Rules for carrying second part of Act into effect.

- (1.) The proceedings to be had under this part of this Act:
- (2.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution:
- 40 (3.) The scale of costs and fees to be charged in carrying this part of this Act into execution, and the taxation of such costs, and the persons by whom such costs and fees are to

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be paid, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged :

- (4.) The giving of notices to incumbrancers and other persons interested, and the service of such notices and any other matter by this part of this Act directed to be prescribed : 5
- (5.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this part of this Act into execution :

In framing rules under this section the Privy Council shall provide that notice of any sale to be made under this part of this Act shall be served upon every registered incumbrancer by sending it through the post in a prepaid letter addressed to such incumbrancer, and in proving service of any such notice it shall be sufficient to prove that such notice was properly directed to the incumbrancer at his last known place of abode, and that it was put as a prepaid letter into the post office. 15

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed. 20

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament. 25

PART III.

Advances by and Powers of Board.

Advances to
landlords for
compensa-
tion for im-
provements.]

38. Where any sums are due in respect of compensation under this Act from a landlord to a tenant who is quitting his holding, but has not been disturbed by his landlord, the Commissioners of Public Works in Ireland in this Act referred to as the Board may, upon the application of such landlord, advance to the tenant on behalf of the landlord the whole or such portion of the sum so due as they may think expedient, and upon such advance being made such holding shall upon an order being made to that effect by the Civil Bill Court, be deemed to be charged with an annuity of five pounds for every one hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be payable within a term of thirty-five years, commencing at the date of the advance. 30 35 40

Advances to
landlords for
improvement

39. The Board may from time to time upon such security as they may approve advance such sums as they may think fit to any land-

lord in Ireland, for the purpose of enabling him to reclaim waste lands; and where any landlord has contracted for the sale of any waste land the Board may advance upon security jointly given by the vendor and purchaser such sums as they may think fit, not

A.D. 1870.
—
of waste
lands.

5 exceeding a moiety of the purchase money contracted to be paid; and upon any such advance being made, such waste land, and any other lands included in any such security, shall, upon an order being made to that effect by the Civil Bill Court, be deemed to be charged with an annuity of five pounds for every one hundred
10 pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable within a period of thirty-five years, commencing from the date of the advance.

40. The Board, if they are satisfied with the security, may advance
15 to any tenant for the purpose of purchasing his holding in pursuance of this Act any sum not exceeding two thirds of the price of such holding, and upon such advance being made the holding shall, upon an order being made by the Civil Bill Court to that effect, be deemed to be charged with an annuity of five pounds for every one hundred
20 pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board and to be declared to be repayable in the term of thirty-five years, commencing from the date of the advance.

Advances to
tenants for
purchase of
holdings.

No purchaser, or person deriving title through him, of any holding
25 to whom any advance has been made under this section shall without the consent of the Board, alienate, assign, subdivide, or sublet his holding during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet in contravention
30 of this section shall be forfeited to the Board, to be held by them for public purposes.

41. Where an absolute order for the sale of any estate has been made by the Landed Estates Court, and the tenant of any holding forming part of such estate is desirous to purchase such holding, he
35 may apply to the Board in the prescribed manner to advance any sum not exceeding two thirds of the amount he may pay for the purchase of the same, and the Board may, subject to such conditions as to the price to be paid for such holding and to any matter relating to such purchase as they think fit, agree with such tenant to make
40 such advance.

Advances to
tenants for
purchases of
holdings in
Landed Es-
tates Court.

When any such tenant has been declared the purchaser of a holding, and has paid one third or any greater part of the purchase money, the Board may pay the balance of such purchase money

A.D. 1870. instead of such tenant, and upon such payment being made by the Board, the Landed Estates Court shall by order declare such holding to be charged with an annuity of five pounds for every hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board and to be 5 declared to be repayable in the term of thirty-five years, commencing from the date of the advance, in equal half-yearly payments on every first day of May and first day of November during the said term, with such apportionment, if any, as may be necessary in respect of the first and last of such payments. 10

Any holding charged by order of the Landed Estates Court in manner aforesaid shall not, without the consent of the Board, be alienated, assigned, subdivided, or sublet, during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet 15 in contravention of this section shall be forfeited to the Board, to be held by them for public purposes.

Landed Estates Court to afford facilities for purchase by occupying tenants.

42. The Landed Estates Court shall on the sale of estates by said Court, so far as is consistent with the interests of the persons interested in the estates or the purchase money thereof, afford by 20 the formation of lots for sale or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings under the provisions of this Act; and for that purpose shall hear any application in that behalf made by the Board or any such occupying tenant. 25

Advances to facilitate purchases of entire estates.

43. Where the landlord of an estate is willing to contract for the sale under the second part of this Act of his estate in its entirety but not in part, and the tenants of the holdings comprising four fifths in value of such estate are willing to purchase their holdings, and other purchasers can be found to buy the residue of such estate, and 30 to pay one half of the purchase money payable in respect of such residue, such sale may be made accordingly under the second part of this Act in the same manner as if the whole of the purchasers of the estate were tenants of the landlord, and the Board may advance to such other purchasers one half of their purchase money upon the 35 security of the residue of the estate, and such advance may at the discretion of the Board be made to such purchasers collectively on the security of the whole of the residue of such estate, or to such purchasers severally on the security of the portions bought by them respectively, or partly in one way and partly in the other. Where 40 any advance is made to purchasers or a purchaser under this section, the land bought by such purchaser or purchasers shall, on an order made to that effect by the Civil Bill Court, be charged with an

annuity of five pounds for every one hundred pounds of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable within the term of thirty-five years, commencing from the date of the advance. A.D. 1870.

5 44. Every annuity created in favour of the Board in pursuance of this Act shall be a charge on the land subject thereto having priority over all existing and future estates, interests, and incumbrances, with the exception of quit-rents and other charges incident to the tenure, to rentcharges in lieu of tithes, and any charges
10 created under any Act authorizing advance of public money, or under any Act creating charges in respect of improvements on lands, and passed before this Act, with the exception also (in cases where the lands are subject to a fee-farm rent, or held under a lease reserving rent) of such fee-farm rent or rent reserved as aforesaid.

Advances charged on estate by way of annuity.

15 45. Every annuity created in pursuance of this Act shall be recoverable by the Board or by or in the name of the Attorney-General for Ireland in manner in which rentcharges in lieu of tithes are recoverable in Ireland; a certificate purporting to be under the hand of a member for the time being of the Board shall be evidence
20 that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein, is due to the Board from such person.

Recovery of annuity.

46. No arrears of any annuity charged on land in pursuance of this Act shall be recoverable after the expiration of two years from
25 the date at which the sum in arrear became due; and as between owners having successive interests in any land so charged it shall be the duty of the owner for the time being in possession or in receipt of the rents and profits of such land to prevent such arrears arising, and if he make default in doing so, and the owner next entitled
30 in possession pay any arrears caused by such default, the amount so paid shall be a debt due to the owner who has paid the same from the owner by whose default it became necessary to make such payment.

Arrears of annuity.

47. Where any land is charged with an annuity in favour of
35 the Board, it shall be lawful for any person liable to pay such annuity to redeem the said annuity, or so much thereof as may at any time remain unexpired, by payment to the Board of a sum of money equivalent to the then value of the said annuity, such value to be calculated according to the table in the schedule annexed hereto.

Power of Board to redeem annuity.

40 48. Where any person is entitled to receive any principal moneys in pursuance of the sale of any holding made by them in pursuance of this Act, the Board may, on the application of such person, commute such principal moneys for the payment of an annuity of

Power of Board to commute and compromise.

A.D. 1870. equivalent value, the value of money being reckoned at three pounds ten shillings per cent. per annum, and where any such person as aforesaid is entitled to the payment of a sum annually, the Board may commute the same for the payment of a principal sum of equivalent value, the value of money being reckoned at three 5 pounds ten shillings per cent. per annum.

The Board may also, with the assent of the claimant, compromise by the payment of any principal or annual sum any postponed contingent or doubtful or other claim of any person to any share or interest in the purchase money arising from the sale of any 10 holding under this Act.

Control of
Board by
Treasury, &c.

49. The Board shall in making advances, in the mode of investing and dealing with the funds that come into their possession, and in the mode of accounting for the same, and generally in the performance of their duties under this Act conform to any directions, 15 whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the Treasury, and shall report within such time and in such manner as the Treasury may direct to the Treasury all matters which may be transacted by the Board. 20

Issues of
moneys to
Board.

50. There shall be issued to the Board for the purposes of this Act at such times and in such sums and in such manner as the Treasury may determine any sums of money not exceeding in the whole one million pounds, and the Treasury may from time to time issue to the said Board the said sum of one million pounds out of 25 the Consolidated Fund or the growing produce thereof.

Repayment
to Consoli-
dated Fund
of advance.

51. All repayments to the Board of principal sums or by way of annuities in respect of advances made by them shall from time to time be paid back to the Consolidated Fund in such manner as the Treasury may direct. 30

Duty of
Civil Bill
Court as to
charging
orders.

52. The Civil Bill Court shall on the application of any person entitled to an annuity by this Act directed to be charged by order of the Civil Court, make an order charging the same accordingly, and the clerk of the peace of the county in which such Court has jurisdiction shall keep an alphabetical registry in his office of all 35 charging orders so made by the Court, and shall allow any person to inspect the same at all reasonable times on the payment of one shilling.

For the purpose of making charging orders in respect of any holding the Civil Bill Court of the county in which such holding, 40 or any part thereof is situate shall be deemed to have jurisdiction over such holding.

PART IV.

A.D. 1870.

SUPPLEMENTAL PROVISIONS.

As to Legal Proceedings and Court.

53. There shall be paid in respect of every notice to quit to be served on a tenant a duty of two shillings and sixpence, and such payment shall be denoted by a stamp on the notice.

Duty on
notice to
quit.

54. No notice to quit shall be valid unless it is printed or written, or partly in print and partly in writing, and signed by the landlord or his agent, nor unless such notice at the time of the service thereof is duly stamped with a stamp denoting the payment of a duty of two shillings and sixpence. A notice to quit shall not in the case of a tenant from year to year take effect until after the expiration of a period of not less than a year from the date of the service of the notice, such period of a year, in the absence of agreement to the contrary, to terminate on the last day of the year. Any person serving on a tenant a notice to quit that is not in conformity with this section shall incur a penalty not exceeding forty shillings, to be recovered summarily under the provisions of the Petty Sessions (Ireland) Act, 1851.

55. In any proceedings between landlord and tenant, where the due service of a notice to quit has been proved, such notice to quit shall, until the contrary is proved, be deemed to have been duly stamped.

Regula-
tions
as to notice
to quit.

55. The Civil Bill Court in any county on being satisfied that a tenant in such county has died, and that there is no legal personal representative of such tenant or no legal personal representative whose services are available for the purposes of this Act, may, if a legal representation of the tenant is required for the purposes of this Act, by order appoint such person as it thinks best entitled to be administrator of the deceased tenant limited to the purposes of this Act, and any such limited administrator shall for all the purposes of this Act represent the deceased tenant in the same manner as if the tenant had died intestate and administration had been duly granted to such limited administrator of all the personal estate and effects of the tenant.

Administra-
tion on death
of tenant.

56. A married woman entitled to her separate use, and not restrained from anticipation, shall for the purposes of this Act be deemed a feme sole; but where any other married woman is desirous of making any application, giving any consent, or doing any act, or becoming party to any proceeding under this Act, in relation to any holding, her husband's concurrence shall be required,

Provision as
to married
women.

A.D. 1870. and she shall be examined by the Civil Bill Court of the county where she may for the time being be, or of the county where the holding is situate, apart from her husband touching her knowledge of the nature and effect of the application or other act, and it shall be ascertained that she is acting freely and voluntarily. 5

Provision
as to other
persons
under dis-
ability.

57. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding in relation to any holding under this Act, is a minor, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give 10 such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as aforesaid, being 15 infant, idiot, or lunatic, or where any person the committee of whose estate if he were idiot or lunatic would be authorised to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for 20 the Civil Bill Court of the county in which the holding is situate to appoint a guardian of such person for the purpose of any proceedings under this part of this Act, and from time to time to change such guardian; and where such Civil Bill Court sees fit it may appoint a person to act as the next friend of a married woman 25 for the purpose of any proceeding under this Act, and from time to time to remove or change such next friend.

Additional
sittings of
Civil Bill
Court.

58. For the purposes of carrying into effect the provisions of this Act, the judges of Civil Bill Courts in Ireland shall, in addition to the Civil Bill Courts now by law directed, hold such 30 Courts in such places within their respective jurisdictions as may be prescribed.

Additional
salaries to
judges and
officers of
Civil Bill
Courts.

59. There shall be paid to the judges and officers of the Civil Bill Courts and to the officers of the Court of Exchequer Chamber in Ireland, by way of remuneration for the additional duties by this 35 Act imposed upon them, such annual sums by way of additional salaries respectively as the Lord Lieutenant may direct and the Commissioners of Her Majesty's Treasury may approve, and all such sums shall be paid by the said Commissioners out of moneys to be provided by Parliament for that purpose. 40

Appoint-
ment of sub-
stitute in

60. In case it shall appear to the Lord Chancellor that from any reasonable cause the judge of any Civil Bill Court cannot con-

veniently hold the Courts prescribed under this Act, he may appoint any other judge of a Civil Bill Court to hold such Courts in his stead; and thereupon the judge so appointed shall hold such Courts as aforesaid, and shall for the purposes thereof have all and every
 5 the powers, authority, and jurisdiction of the judge in whose stead he shall have been appointed; and so long as he shall continue to act in his stead, there shall be paid to him instead of to the said judge, the additional salary payable to the said judge under this Act.

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Civil Bill
Court.

10

PART V.

Miscellaneous.

61. Any person who, after the passing of this Act, becomes the occupier of any premises liable to grand jury cess, and who is liable to pay a rent in respect of the same, may deduct from such rent,
 15 for each pound of the rent which he is liable to pay, one half of the sum which he has paid as grand jury cess in respect of each pound of the net annual value of such premises as valued for the purposes as such cess, and so in proportion for any less sum than a pound: Provided always, that it shall not be lawful for any such person to
 20 deduct from the rent payable by him for such premises a larger sum than one half of the amount of the cess that has been paid by him in respect of the same.

Mode of
payment of
grand jury
cess in
certain cases.

Any person receiving rent in respect of any premises liable to grand jury cess, who also pays a rent in respect of the same, shall,
 25 if such rent is received and paid under contracts entered into after the passing of this Act, be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of the cess deducted from the rent received by him as the rent paid by him bears to the rent received by him.

30 62. Whenever the net annual value of the whole of the premises situate in any county of a city, county of a town, or barony, occupied by any person under any tenancy whatsoever created after the passing of this Act, does not exceed four pounds, as valued for the purposes of grand jury cess, and the same are liable to
 35 grand jury cess, then such cess shall, after the passing of this Act, be paid and payable by the immediate lessor or lessors of such person, and may be recovered from such immediate lessor or lessors in like manner as but for the provisions of this section it might have been recovered from the person occupying such
 40 premises.

Where value
of premises
does not
exceed 4l.
immediate
lessor to pay
grand jury
cess.

A.D. 1870. If any such cess payable by any such immediate lessor be not paid within four months after the same has become due, the person duly authorised to collect the same, may give notice in writing to the occupier for the time being of such premises to pay the cess due in respect of such premises, and after the expiration of one 5 calendar month from the time of giving such notice, it shall be lawful to recover such cess from such occupier, or in his default from any subsequent occupier of the premises, in like manner as if the same were cess due in respect of premises of a net annual value greater than four pounds. 10

And every such occupier so paying such cess may deduct from the rent he may be then or next thereafter liable to pay in respect of any such premises the whole of any such cess that he may have paid in respect of the same premises, and if rent sufficient to cover such cess, be not then or do not thereafter become due 15 from such occupier, he shall be entitled to recover the same from such immediate lessor by Civil Bill.

Exception
as to county
cess levied
in certain
cases.

63. Nothing in the two next preceding sections of this Act contained shall apply to any county cess levied under the authority of any presentment made for the compensation of any person for 20 any loss or damage occasioned by any malicious injury, or of any presentment made under the authority of section one hundred and six of the Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, or under the authority 25 of "The Peace Preservation (Ireland) Act, 1870," or to any moneys levied as county cess by the direction of the Lord Lieutenant of any district under the authority of "The Peace Preservation (Ireland) Act, 1856," or any Act or Acts amending or continuing the same now in force. 30

Non-liability
for rent for
land covered
by public
roads.

64. Any person who, after the passing of this Act, shall take at an acreable rent land adjoining or intersected by any public road or public roads, shall not, in the absence of an agreement to the contrary, be liable to rent for any portion of such land as may be contained in the public road or roads. 35

Tenancies
at will.

65. Where any tenancy at will is created by a landlord after the passing of this Act, the tenant under such tenancy shall on quitting his holding be entitled to notice to quit and compensation in the same manner in all respects as if he had been a tenant from year to year: Provided that this section shall not apply to any letting or 40 contract for the letting of land made and entered into bonâ fide

for the temporary convenience or to meet a temporary necessity A.D. 1870.
either of the landlord or tenant.

66. It shall not be lawful for any landlord to make any distress Distress.
for rent due out of any holding held under a tenancy created after
5 the passing of this Act unless such holding shall be so held under a
lease or written agreement regulating the terms of such tenancy and
giving a right of distress to the landlord.

Definitions.

67. In the construction of this Act the following words and General defi-
nitions.
10 expressions shall have the force and meaning hereby assigned to
them, unless there be something in the subject or context repugnant
thereto :

The term "person" or "party" shall extend to and include any
body politic, corporate, or collegiate, whether aggregate or sole,
15 and any public company :

The term "county" shall extend to and include county of a
city, and county of a town, and a riding of a county : where
such county of a city, county of a town, or riding of a county
is appointed for civil bill purposes :

20 The term "prescribed" shall mean prescribed by any rules made
in pursuance of this Act :

The term "lease" shall include an agreement for a lease :

The term "settlement" as used in this Act shall include any
Act of Parliament, will, deed, or other assurance or connected
25 set of assurances whereby particular estates or particular
interests in land are created, with remainders or interests ex-
pectant thereon ; and every estate and interest created by
appointment made in exercise of any power contained in any
settlement or derived from any settlement shall be considered
30 as having been created by the same settlement, and an estate
or interest by way of resulting use or trust to or for the settlor,
or his heirs, executors, or administrators, shall be deemed to be
an estate or interest under the same settlement.

68. For the purposes of this Act the terms herein-after mentioned Special defi-
nitions.
35 shall have the meanings herein-after assigned to them, and no other
meanings, that is to say,—

The term "holding" shall mean a farm or other holding of a
tenant which is agricultural or pastoral in its character, or
partly agricultural and partly pastoral :

40 The term "landlord" in relation to a holding shall mean any
superior mesne or immediate landlord or any person for the

A.D. 1870.

time being entitled to receive the rents and profits or to take possession of any holding :

The term "tenant" in relation to a holding shall mean any tenant from year to year and any tenant for a life or lives or for a term of years under a lease or contract for a lease, and 5 where the tenancy of any person having been a tenant under a tenancy which does not disentitle him to compensation under this Act, is determined or expiring, he shall, notwithstanding such determination or expiration, be deemed to be a tenant until he has received the compensation, if any, due to him 10 under this Act :

The real and personal representatives of any tenant shall also be included under the term "tenant :"

The term "improvements" shall mean in relation to a holding,—

(1.) Any work which being executed adds to the letting value 15 of the holding on which it is executed : and is suitable to such holding ; also,

(2.) Tillages, manures, fallows, or other like farming works, the benefit of which is unexhausted at the time of the tenant quitting his holding.

20

Short title
of Act.

69. This Act may be cited for all purposes as "The Landlord and Tenant (Ireland) Act, 1870."

Application
of Act.

70. This Act shall apply to Ireland only.

SCHEDULE.

Arbitrations.

- (1.) If both parties concur a single arbitrator may be appointed :
- 5 (2.) If the single arbitrator dies or becomes incapable to act before he has made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if no appointment of an arbitrator had taken place :
- 10 (3.) If both parties do not concur in the appointment of a single arbitrator, each party on the request of the other party shall appoint an arbitrator :
- 15 (4.) An arbitrator shall in all cases be appointed in writing, and the delivery of an appointment to an arbitrator shall be deemed a submission to arbitration on the part of the party by whom the same is made, and after any such appointment has been made neither party shall have power to revoke the same without the consent of the other :
- 20 (5.) If for the space of fourteen days after the service by one party on the other of a request made in writing to appoint an arbitrator such last-mentioned party fails to appoint an arbitrator, then upon such failure the party making the request may apply to the Court, and thereupon the dispute shall be decided by the Court according to the provisions of this Act :
- 25 (6.) If any arbitrator appointed by either party dies or becomes incapable to act before an award has been made the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if for the space of fourteen days after notice in writing from the other party for that purpose he fails to do so the remaining or other
- 30 arbitrator may proceed ex parte :
- (7.) If where more than one arbitrator has been appointed either of the arbitrators refuses or for fourteen days neglects to

A.D. 1870.

act, the other arbitrator may proceed *ex parte*, and the decision of such arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties :

- (8.) If, where more than one arbitrator has been appointed, and where neither of them refuses or neglects to act as afore- 5 said, such arbitrators fail to make their award within twenty-one days after the day on which the last of such arbitrators was appointed, or within such extended time (if any) as may have been appointed for that purpose by both such arbitrators under their hands, the matters 10 referred to them shall be determined by the umpire to be appointed as hereafter mentioned :
- (9.) Where more than one arbitrator has been appointed, the arbitrators shall, before they enter upon the matters referred to them, appoint by writing under their hands 15 an umpire to decide on any matters on which they may differ :
- (10.) If the umpire dies or becomes incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within 20 his cognizance, the arbitrators shall forthwith after such death, incapacity, or refusal appoint another umpire in his place :
- (11.) If in any of the cases aforesaid the said arbitrators refuse, or for fourteen days after request of either party to such 25 arbitration neglect, to appoint an umpire, the Civil Bill Court, as defined by this Act, shall, on the application of either party to such arbitration, appoint an umpire :
- (12.) The decision of every umpire on the matters referred to him shall be final. 30

A.D. 1870.

Table for Redemption of Annuities or Rent-charges.

Term unexpired.		Redemption Money to be paid in respect of each 10 <i>l</i> . of Annuity.*	Term unexpired.		Redemption Money to be paid in respect of each 10 <i>l</i> . of Annuity.*
		£ s. d.			£ s. d.
5	1	9 14 10	19		137 18 8
	2	19 3 1	20		142 19 5
	3	28 4 11	21		147 16 9
	4	37 0 6	22		152 10 10
10	5	45 10 1	23		157 1 8
	6	53 13 11	24		161 9 5
	7	61 12 2	25		165 14 1
	8	69 5 1	26		169 16 0
15	9	76 12 8	27		173 15 0
	10	83 15 3	28		177 11 5
	11	90 13 0	29		181 5 2
	12	97 6 1	30		184 16 5
20	13	103 14 7	31		188 5 3
	14	109 18 8	32		191 11 8
	15	115 18 7	33		194 15 11
	16	121 14 5	34		197 17 11
	17	127 6 3	35		200 17 10
	18	132 14 3			

Note.—This table is calculated on the assumption of the original purchase money being repaid in 35 years with interest at $3\frac{1}{2}$ per cent. payable half-yearly.

* Where the unexpired term includes part of a year such addition, if any, as may be necessary, shall be made to the redemption money in respect of such part of a year.

Irish Land.

A

BILL

[AS AMENDED IN COMMITTEE, AND ON CONSIDER-
ATION OF BILL AS AMENDED,]

To amend the Law relating to the
Occupation and Ownership of Land
in Ireland.

*(Prepared and brought in by
Mr. Gladstone, Mr. Chichester Fortescue, and
Mr. John Bright.)*

*Ordered, by The House of Commons, to be Printed,
26 May 1870.*

[Bill 145.]

Under 5 oz.

371

LORDS AMENDMENTS

TO

THE IRISH LAND BILL.

Note.—*The page and line refer to the Bill (122.) as first printed
by the Lords.*

Page 1.

Line 16, after ("purchased") insert ("or acquired"), and after
("purchase") insert ("or acquire")

Line 23, after ("holding") insert ("subject to such custom,
but"), and leave out ("Ulster tenant-right custom") and
insert ("same")

Line 25, after ("Act") insert ("except section seven")

Page 2.

Line 6, after ("purchased") insert ("or acquired"), and after
("purchase") insert ("or acquire")

Line 24, leave out ("have been") and insert ("be"), and leave
out ("in") and insert ("by reason of")

Line 31, leave out ("£10") and insert ("£4")

Line 32, after ("rent") insert ("(2.) Above £4 and not
"exceeding £10, a sum which shall in no case exceed six
"years rent"), altering the numbers of subsequent sub-
sections.

Line 33. }
Line 35. } Leave out ("£30") and insert ("£20")

Page 3.

Leave out lines 1, 2, and 3, and insert—

If it shall appear to the Court that during the tenancy in respect
of which compensation is claimed under this section the landlord or
his predecessor in title has within the twenty years preceding
expended money in improvements on the holding, and the rent has

[Bill 204.]

A

2

been increased in consequence of such expenditure, then the rent by reference to which compensation shall be assessed under this section shall be the actual rent after deducting the annual sum by which the same has been increased in consequence of such expenditure, but so that the annual sum thus deducted shall not exceed interest after the rate of 5l. per cent. per annum on the sum expended; and whenever there shall appear to have been an increase of rent since the expenditure in improvements by the landlord or his predecessor in title, it shall be presumed, in the absence of evidence to the contrary, that the increase was in consequence of the expenditure.

Line 5. } Leave out ("£10") and insert ("£4")
 Line 7. }

Line 12. After ("tenant") insert ("or his predecessors in title")

Line 22. After ("writing") insert ("or lets the same or any part thereof in conacre, after he has been prohibited in writing by the landlord or his agent from so doing")

Line 24. Leave out from ("section") to ("(3.)") in line 41.

Page 4.

Line 1, leave out ("thirty-one") and insert ("twenty-one")

Line 13, after ("void") insert ("both at law and in equity"),
 after ("shall") insert ("be subject to the enactment contained in the twelfth section of this Act, and")

Line 15, leave out ("thereafter until") and insert ("no longer unless")

Line 27, after ("made") insert ("before the passing of this Act, and")

Line 28, leave out ("passing of this Act") and insert ("claim of such compensation shall have been made")

Page 5.

Line 13, leave out ("title to which is") and insert ("right to which compensation is expressly")

Line 18, after ("term of") insert ("a life or")

Line 37, after ("tenant") insert ("or his predecessors in title")

Page 6.

Lines 5 and 6, } Leave out ("cultivation in a due course of
 Lines 8 and 9, } "husbandry") and insert ("due cultivation")

Line 10, after ("landlord") insert ("nor shall anything in this Act contained authorise or empower any tenant or occu-

“ pier, without the previous consent in writing of the landlord, to break up or till any land or lands usually let, occupied, or used as grazing or grass lands, or let expressly as grazing or meadow land, or to cut timber without the consent of the landlord; provided that the tenant may cut timber planted and registered by him or his predecessors in title ”)

Line 14, after (“ void ”) insert (“ both at law and in equity, subject, however, to the enactment contained in the twelfth section of this Act, and to the provision in this section as to any improvement made in pursuance of a contract entered into for valuable consideration therefor ”)

Page 7.

Line 4, after (“ pounds ”) insert—

(“ (5.) Where the Court shall be of opinion that in consequence of its being proved to have been the practice on the holding, or the estate of which such holding forms part, for the landlord to make such improvements, such presumption ought not to be made :

(6.) Where from the entire circumstances of the case the Court is reasonably satisfied that such improvements were not made by the tenant or his predecessors in title :

Provided always, that where it is proved to have been the practice on the holding, or the estate of which such holding forms part, for the landlord to assist in making such improvements, such presumption shall be modified accordingly.”) And also insert Clause (A.)

Any landlord or tenant who may be desirous of preserving evidence of any improvements made by himself or by his predecessors in title, before or after the passing of this Act, may at any time (subject to the provisions herein-after contained) file a schedule in the Landed Estates Court, specifying such improvements, and claiming the same as made by himself or his predecessors in title; and such schedule so filed shall be *primâ facie* evidence that such improvements were made as therein mentioned: Provided always, that notice in writing of the intention to file such schedule, together with a copy thereof, shall be given by the landlord to the tenant for the time being of the holding on which such improvements shall have been made (or by the tenant to the landlord, as the case may be,) within the prescribed time before applying to the Landed Estates Court to file the same; and if the person receiving such notice shall dispute the claim made by such schedule, either wholly or in part, he shall be at liberty within the prescribed time

CLAUSE A.
Permissive
registration
of improve-
ments.

and in the prescribed manner to apply to the Civil Bill Court to determine the matter in difference, and in such case such schedule shall not be filed unless or until leave shall have been given to file the same either in its original or in any amended form by the Civil Bill Court; provided also, that before filing any such schedule proof shall be made in the Landed Estates Court by statutory declaration that the notice hereby required has been duly given, and that no application has been made within the prescribed time by the party receiving such notice to the Civil Bill Court; or (if any such application has been made) that leave has been given by the Civil Bill Court to file such schedule.

Line 11, after ("tenant") insert ("on quitting his holding")

Line 22, after ("respect") insert ("or as covering the value"), and leave out ("his") and insert ("the")

Line 27, after ("tenant") insert ("or his predecessors in title")

Page 8.

Line 7, after ("rent") insert ("or for breach of any condition against assignment, sub-letting, bankruptcy, or insolvency")

Line 8, leave out from ("landlord") to ("and") in line 12.

Line 14, after ("rent") insert ("or for breach of any such condition as aforesaid")

Line 16, at end of Clause 8, add ("provided that in the case of a person claiming compensation on the determination by ejectment for nonpayment of rent of a tenancy existing at the time of the passing of this Act, and continuing to exist without alteration of rent up to the time of such determination, the Court may, if it think fit, treat such ejectment as a disturbance if the arrear of rent in respect of which it is brought did not wholly accrue within the three previous years, and if any earlier arrear remained due from the tenant at the time of commencing the ejectment: Provided, that no tenant who shall have given notice of surrender, and afterwards refuse to give up possession in pursuance of such notice, shall be entitled to any compensation under section three of this Act though evicted by the landlord in a suit founded on such notice")

Line 27, leave out ("a proportionate") and insert ("an"), and after ("rent") add ("proportionate to the annual value of the land so taken by the landlord")

Line 32, leave out ("or by succession")

Line 38, after ("aforesaid") insert ("whose holding, or the
" aggregate of whose holdings in Ireland is ")

Page 9.

Line 2, after ("claim") insert Clauses (B.) and C.)

Where the holding in respect of which compensation is claimed under section three of this Act is held under a tenancy from year to year existing at the time of the passing of this Act, and such tenancy is assigned without the consent of the landlord, and the landlord does not accept the assignee as his tenant, no compensation shall be payable by the landlord under the said section in any of the cases following:

CLAUSE B.
Restriction
as to com-
pensation in
certain cases
of assign-
ment.

- (1.) Where the rent of such holding is in arrear at the time of such assignment so as to render the tenant liable to eviction for nonpayment of rent, and such arrear is due by the tenant:
- (2.) Where such holding forms part of an estate upon which the assignment of holdings without the consent or approval of the landlord is contrary to or not warranted by the practice prevalent upon such estate:
- (3.) Where the Court shall be of opinion that the refusal of the landlord to accept such assignee as tenant is a reasonable refusal:

Provided always, that the transmission of a tenancy by bequest to the husband or wife, or to any one child or grandchild, or to any one brother or sister, or to any one child or grandchild of a brother or sister of the tenant, or the devolution of a tenancy by operation of law upon an intestacy or marriage, shall not be deemed an assignment within the meaning of this section.

Where it is proved to the Court that the tenant of any holding held under a tenancy from year to year existing at the time of the passing of this Act is evicted by the landlord by reason of the persistent exercise by such tenant of any right not necessary to the due cultivation of his holding, and from which such tenant is debarred by express or implied agreement with his landlord, such eviction shall not be deemed a disturbance of the tenant by the act of the landlord, or where the tenant of any holding so held as last aforesaid at the time of the passing of this Act is evicted by the landlord by reason of the tenant's unreasonable refusal to allow the landlord, or any person or persons authorised by him in that behalf, he or they making reasonable amends and satisfaction

CLAUSE C.
Eviction in
certain cases
not to be
deemed a
disturbance.

for any injury to be done or occasioned thereby, to enter upon the holding for any of the purposes following; that is to say,

Mining or taking minerals;

Quarrying or taking stone, marble, gravel, sand, or slate;

Cutting or taking timber or turf;

Opening or making roads, drains, and watercourses;

Viewing or examining the state of the holding and all buildings or improvements thereon;

Hunting, shooting, or fishing, or taking game or fish :

Such eviction shall not be deemed a disturbance of the tenant by the act of the landlord, unless it shall be shown that the landlord is persisting in such eviction after such refusal has been withdrawn by the tenant.

Line 10. }
Line 14. } after (" holding ") insert (" let to be ")

Line 21, leave out (" six ") and insert (" seven ")

Line 23, leave out (" of the landlord ")

Line 30, At end of clause 12 add—

" (5.) Any cottage allotment not exceeding a quarter of an acre."

Line 36, after (" landlord ") insert (" or in his absence his
" known agent ")

Line 37, after (" claim ") insert (" subject to such amendment
" as the Court may allow, together with the dates at which
" and the periods within which such particulars are severally
" alleged to have accrued ")

Page 10.

Line 8. At the end of clause 14 add (" unless within the time
" and in the manner prescribed in that behalf such dispute
" shall have been settled by agreement between the landlord
" and tenant.")

Line 24, leave out (" six ") and insert (" seven ")

Line 32, after (" disallowed ") insert Clause (D.)

CLAUSE D.
Order of
Court to be
in writing,
&c.

In every case of dispute between landlord and tenant heard before the Civil Bill Court the order of the Court shall be reduced into writing in the form of a decree or award (as the case may be), and shall state the items of claim allowed, that is to say, the particulars and character of loss sustained by the tenant in quitting his holding, and of the improvements and payment to his predecessor in title in respect to which compensation may have been awarded to the tenant under the third, fourth, and seventh

sections, and also the particulars of any set-off, objection, default, or conduct allowed or taken into account. Such decree or award to be made in the prescribed form.

Page 11.

Line 6, leave out from the first ("or") to the end of the clause, and insert ("deposited in manner herein-after mentioned. A landlord shall in all cases have the option of depositing in the manner prescribed the amount of compensation due; and if at any time after the making of a claim for compensation as herein-before directed, and before finally giving up possession of his holding, a tenant shall be alleged to have done any damage to his holding, or the buildings thereon, the Court shall inquire into the same, and allow to the landlord out of the money so deposited such compensation as it may deem just, including mesne rates. In no case shall a tenant, except by special leave of the Court, be entitled to receive the money so deposited until he shall have given up possession of his holding. Where compensation is awarded in respect of any holding to be paid by any landlord who is himself a tenant of such holding, the tenant to whom such compensation is awarded shall not by reason of such compensation not being paid or deposited in manner aforesaid by such landlord be entitled under this section as against a superior landlord not liable to such compensation, to retain possession of the holding after the expiration or determination of the title thereto of the landlord by whom such compensation was so awarded to be paid as aforesaid.")

Line 34, after ("judge") insert ("Provided always, that the judge shall himself without a jury decide any question of fact arising in any case brought before him under this Act.

Page 12.

Line 18, leave out ("so far as the same involves questions of fact")

Line 20, after ("appeal") insert ("the judge before whom such question arises may, if he thinks fit, require that the same shall be heard and determined by both the said judges and thereupon")

Line 39, after (" Rolls ") insert (" the Lord Justice of Appeal ")

Line 40, after (" Rolls ") insert (" or Lord Justice of Appeal ")

Page 15.

Line 7, leave out (" thirty-one ") and insert (" thirty-five ")

Line 18, after (" him ") insert (" or his predecessors in title ")

Page 16.

Line 11. After (" Rolls ") insert (" Lord Justice of Appeal ")

Line 25. Leave out (" whom ") and insert (" or from whom
" and the manner in which ")

Line 26. After (" paid ") insert (" or deducted ")

Page 19.

Line 10. After (" may ") insert (" from time to time ")

Page 20.

Lines 34 and 35, leave out (" such advance being made such
" holding shall upon ")

Line 36, after (" Court ") insert (" and upon such advance
" being made by the board such holding shall ")

Line 40, leave out (" commencing at the date of the advance ")

Page 21.

Line 6, leave out (" upon any such advance being made ")

Line 8, after (" Court ") insert (" and upon such advance being
made by the board ")

Lines 12 and 13, leave out (" commencing from the date of the
" advance ")

Line 17, leave out (" upon such advance being made the hold-
" ing shall ")

Line 18, after (" Court ") insert (" and upon such advance
" being made by the board such holding shall ")

Lines 22 and 23, leave out (" commencing from the date of the
" advance ")

Page 22.

Line 6, leave out from (" years ") to (" Any ") in line 11.

Page 23.

Line 4, leave out (" commencing from the date of the
" advance ")

Line 14, after clause 44, add (" The term during which every
" such annuity shall be payable shall be computed from the
" date of the advance in respect of which the same shall be

“ charged, and every such annuity shall be payable in equal
“ half-yearly payments on every first day of May and every
“ first day of November during the said term of thirty-five
“ years, with such apportionment, if any, as may be neces-
“ sary in respect of the first and last of such payments.”)

Page 25.

Line 5, after (“tenant”) insert (“of a holding as defined
“ under this Act”)

Line 9, after (“agent”) insert (“lawfully authorised there-
“ unto”)

Line 13, } leave out (“a year”) and insert (“six calendar
Line 14, } “ months”)

Line 16, after (“the”) insert (“calendar”)

Page 26.

Line 32, at end of clause 58 add (“by the Privy Council in
“ Ireland”)

Page 27.

Line 12, after (“who”) insert (“under any tenancy whatsoever
“ created”)

Lines 17 and 18, leave out (“for the purposes as such cess”)
and insert (“under the Acts relating to the valuation of
“ rateable property in Ireland”)

Line 34, leave out (“for the purposes of grand jury cess”) and
insert (“under the Acts relating to the valuation of rateable
“ property in Ireland”)

Page 28.

Line 36, after (“will”) insert (“or less than a tenancy from
“ year to year”)

Page 29.

Leave out clause 66.

Line 33, at end of clause 67 add—

The term “landlord” in relation to a holding shall include a
superior mesne or immediate landlord or any person for the
time being entitled to receive the rents and profits or to take
possession of any holding :

The term “tenant” in relation to a holding shall mean any
tenant from year to year and any tenant for a life or lives or

for a term of years under a lease or contract for a lease, whether the interest of such tenant has been acquired by original contract, lawful assignment, devise, bequest, or act and operation of law, and where the tenancy of any person having been a tenant under a tenancy which does not disentitle him to compensation under this Act is determined or expiring, he shall, notwithstanding such determination or expiration, be deemed to be a tenant until the compensation, if any, due to him under this Act has been paid or deposited as in this Act provided :

The term "improvements" shall mean in relation to a holding,—

- (1.) Any work which being executed adds to the letting value of the holding on which it is executed, and is suitable to such holding ; also,
- (2.) Tillages, manures, or other like farming works, the benefit of which is unexhausted at the time of the tenant quitting his holding.

Leave out clause 68 and insert clause (E.)

CLAUSE E.
Agricultural
holdings
only subject
to Act.

This Act shall not apply to any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral ; and the term "holding" shall include all land of the above character held by the same tenant of the same landlord under the same contract of tenancy.

LORDS AMENDMENTS

TO

THE IRISH LAND BILL.

*Ordered, by The House of Commons, to be Printed,
8 July 1870.*

[Bill 204.]

Under 2 oz.

Irish Land Bill.

AMENDMENTS MADE BY THE LORDS

TO THE

AMENDMENTS MADE BY THE COMMONS

TO THE

LORDS AMENDMENTS TO THE IRISH LAND BILL,

WITH

REASONS OF THE LORDS FOR DISAGREEING TO CERTAIN OF THE
SAID AMENDMENTS.

The Lords disagree to the Amendment made by the Commons in page 3, line 13, for the following Reason :

Because it is unjust that compensation should be paid by the landlord to the tenant without discharging out of such compensation all arrears of rent due in respect of the holding.

The Lords propose to amend their Amendment in line 22 as amended by the Commons by inserting after the first ("or") the words ("after he has been prohibited in writing by the landlord or his agent from so doing"), and by inserting after the word ("for") the words ("the purpose of being solely used, and which shall be solely used for"), and by leaving out from ("manured") to the end of the insertion.

The Lords propose to amend the Amendment made by the Commons to their Amendment in page 4, line 13, by inserting ("of this Act") after the word ("section") and by leaving out ("of this Act")

The Lords disagree to the Amendment made by the Commons in page 5, line 38, for the Reason assigned for disagreeing to the Amendment in page 3, line 13.

[Bill 221.]

The Lords disagree to the Amendments made by the Commons to Clause (A.) inserted by the Lords, for the following Reasons :

Because the Clause, in the form adopted by the Commons, would make registration impossible, unless both landlord and tenant agree, in which case it is not required ; and because it is desirable to provide a means by which evidence, which might otherwise be lost, may be preserved with reference to improvements.

The Lords disagree to the Amendment made by the Commons in page 7, line 27, for the Reason assigned for disagreeing to the Amendment in page 3, line 13.

The Lords insist on their Amendments in page 8, line 8 and line 16, to which the Commons have disagreed, for the following Reasons :

Because it would be unjust to treat a landlord as disturbing a tenant in his holding who does no more than proceed to evict the tenant because the tenant makes default in the fulfilment of his part of the contract of tenancy, namely, payment of the stipulated rent ; and because the clause, as altered by the Commons, would leave it virtually open to every judge, without any principle or rules being laid down to guide him, to determine arbitrarily what shall or shall not be a disturbance by the landlord.

The Lords agree to so much of the Commons Amendment to Clause (D.), inserted by the Lords, as consists of leaving out the word ("and"), but propose in lieu of inserting ("or") to leave out the word ("character")

With the preceding exceptions the Lords do not insist on their Amendments to which the Commons have disagreed, and agree to the Amendments made by the Commons to the Lords Amendments.

Irish Land Bill.

AMENDMENTS MADE BY THE LORDS
TO THE
AMENDMENTS MADE BY THE COMMONS
TO THE
LORDS AMENDMENTS TO THE IRISH LAND BILL,
WITH
REASONS OF THE LORDS FOR DISAGREEING TO
CERTAIN OF THE LORDS AMENDMENTS.

Ordered, by The House of Commons, to be Printed,
18 July 1870.

[Bill 221.]
Under 1 oz.

A
B I L L

FOR

Confirming a Scheme of the Charity Commissioners for the A.D. 1870.
Jewish United Synagogues. —

WHEREAS the Charity Commissioners for England and Wales, in their report to Her Majesty of their proceedings during the year one thousand eight hundred and sixty-nine, have reported that they have provisionally approved and certified (among other 17th Report, dated 26th February 1870.
5 schemes for the application and management of charities) a scheme for the Jewish United Synagogues, and such scheme is set out in the appendix to their said report :

And whereas it is expedient that the said scheme, as the same is set out in the schedule to this Act, should be confirmed :

10 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The said scheme shall be confirmed and take effect.

Scheme confirmed.

A.D. 1870.

SCHEDULE to the Act.

UNION OF THE SYNAGOGUES.

Scheme.

Existing regu-
lations annulled.

1. The laws and regulations at the time of the establishment of this scheme or at any time previously thereto in force relating to the synagogues following, 5
(that is to say,) the Great Synagogue, St. James's Place, Aldgate, in the city of London; the Portland Street Branch Synagogue, Great Portland Street, in the county of Middlesex; the Hambro' Synagogue, Church Row, Fenchurch Street, in the city of London; the New Synagogue, Great St. Helen's, Bishops-
gate, in the city of London; and the Bayswater Synagogue, Chichester Place, 10
Harrow Road, in the county of Middlesex; and to the subsidiary charities of the said respective synagogues; and the constitutions of the said respective synagogues; and the treaty or treaties at the time of the establishment of this scheme, or at any time previously thereto, in force between the said respective synagogues or any of them, are hereby annulled. 15

Uniting of
present
constituent
synagogues.

2. The synagogues herein-before named shall unite and form one institution, to be called "The United Synagogue," ק'ץ כנסת ישראל, and shall be the present constituent synagogues of the said institution, each of the said synagogues, whether the same has been independent, or a branch of any other or others of them, being one of such constituent synagogues; and the subsidiary charities of 20
the synagogues herein-before named shall be subsidiary charities of the United Synagogue.

Future
constituent
synagogues.

3. Upon the admission into the United Synagogue as herein-after mentioned of any synagogue other than the synagogues herein-before named, the same shall be a constituent synagogue of the United Synagogue, and the subsidiary 25
charities thereof shall be subsidiary charities of the United Synagogue.

Meaning of
words con-
stituent
synagogue,
or constituent
synagogues.

4. Whenever the words constituent synagogue or constituent synagogues are herein-after used, the same shall refer to the constituent synagogues for the time being of the United Synagogue, including as well the synagogues herein-before named as any other synagogue which shall have been admitted as herein-after 30
mentioned.

Objects of
the United
Synagogue.

5. The objects of the institution to be called "The United Synagogue" shall be the maintaining, erecting, founding, and carrying on, in London and its neighbourhood, places of worship for persons of the Jewish religion who conform to the Polish or German ritual, the providing means of burial of persons of the Jewish religion, the relief of poor persons of the Jewish religion, the contributing 35
with other Jewish bodies to the maintenance of a Chief Rabbi and of other ecclesiastical persons, and to other communal duties devolving on metropolitan congregations, and other charitable purposes in connexion with the Jewish religion.

Religious
observances.

6. The form of worship in each of the constituent synagogues shall be in accordance with the Polish or German ritual. 40

7. The United Synagogue and its subsidiary charities shall be under the management of a governing body, which shall be called "The Vestry of the United Synagogue," and shall consist of the following persons:—

A.D. 1870.
Vestry of
the United
Synagogue.

- A. The two wardens for the time being of each of the constituent synagogues.
5 B. The two treasurers for the time being of the United Synagogue.
C. The two overseers for the time being of the poor of the United Synagogue.

D. The two treasurers for the time being of the burial society of the United Synagogue.

- 10 E. All persons who shall have served, or paid a fine for refusal to serve, any of the offices following; that is to say, president of the United Synagogue, vice-president of the United Synagogue, treasurer of the United Synagogue, and overseer of the poor of the United Synagogue.

- 15 F. Privileged members of the United Synagogue, not being at the time of election members of any of the preceding classes, to be elected by the constituent synagogues in manner following; that is to say, there shall in the present year, and in every alternate year after the present year, be held a meeting at each of the constituent synagogues, and at such meeting there shall be elected one person (being at the time of election a seat-holder of such synagogue) for every whole number of fifty seats in the part of the same synagogue appropriated to men, which three months before the date of the meeting were in the occupation of tenants, and which have before the date of the summoning of the said meeting been duly returned to the vestry of the United Synagogue as in such occupation.
20 The persons entitled to vote at the meeting shall be all male persons who shall, during the whole of the year immediately preceding the date thereof, have occupied seats at the same constituent synagogue as tenants, and shall not at the date of the meeting have been more than a year in arrear in payment of their accounts to the United Synagogue,
25 and also all privileged members of the United Synagogue who shall at the date of the establishment of this scheme be privileged members of one of the synagogues following, that is to say, the Great Hambro' and New Synagogue, and shall not have been in such occupation as aforesaid of seats at the said constituent synagogue, provided that such privileged members shall vote only at that constituent synagogue of which they were privileged members at the date of the establishment of this scheme,
30 and shall not at the date of the meeting have been more than a year in arrear in payment of their accounts to the United Synagogue, and that they shall not in the same year have voted at a like meeting at another
35 constituent synagogue.

- 40 8. All persons who at the date of the establishment of this scheme would but for this scheme be entitled to seats for life at the governing body of any of the present constituent synagogues, and all persons who at the date of the admission into the United Synagogue of any other synagogue would but for such admission be entitled to seats for life at the governing body of such other synagogue, shall, as from the date of the establishment of this scheme, or, as the case may be, of such admission as aforesaid, be entitled to seats for life at the vestry of the United Synagogue, and be members thereof, in addition to

Permanent members of governing bodies of constituent synagogues to be permanent members of vestry.

A.D. 1870.

the persons designated in the last preceding clause. The persons who shall so become members of the vestry at the date of the establishment of this scheme shall, until the persons designated in the last preceding clause shall become members, constitute the vestry of the United Synagogue, and shall, until honorary officers of the United Synagogue shall be appointed, and subject to 5 and so far as not inconsistent with this scheme, or any byelaws of the United Synagogue for the time being in force, have and exercise the like powers and duties in relation to their respective synagogues with the powers and duties which they theretofore had and exercised.

Election of
treasurers and
overseers of
the poor.

9. Two treasurers of the United Synagogue, and two overseers of the poor 10 of the United Synagogue, shall be elected annually by the vestry from among the privileged members of the United Synagogue. They shall be honorary officers of the United Synagogue.

The seven
elders.

10. The vestry shall in every year elect from among its members (other than the persons who shall for the time being hold the offices herein-before 15 mentioned) seven persons, who shall be called the seven elders of the United Synagogue.

The committee
of the United
Synagogue.

11. The wardens for the time being of the constituent synagogues, the two treasurers and two overseers of the poor for the time being of the United Synagogue, and the seven elders for the time being, shall constitute an executive 20 committee of the vestry for general purposes, and shall be called The Committee of the United Synagogue.

President and
vice-presidents
of the United
Synagogue.

12. The vestry shall in every year elect from among the members for the time being of the committee a president and two vice-presidents of the United Synagogue. 25

President and
vice-presidents
to preside at
meetings.

13. The president shall be chairman at all meetings of the vestry and committee at which he shall be present; and one of the vice-presidents, or, if the vice-presidents shall also be absent, one of the treasurers of the United Synagogue, shall be chairman at any of such meetings, if and while the president shall be absent therefrom. If the president, vice-presidents, and 30 treasurers of the United Synagogue shall all of them be absent from any such meeting, the members present shall elect one of their number to be chairman.

Duties of
president and
vice-presidents.

14. The president, and in cases in which the president shall be unable or refuse to act, one of the vice-presidents, shall summon meetings of the vestry and committee, and shall, with the assistance of the committee, superintend the 35 general business of the United Synagogue and its subsidiary charities.

Duties of
treasurers.

15. The treasurers of the United Synagogue shall have the general superintendence of the receipt and expenditure of all moneys on account of the United Synagogue and its subsidiary charities, other than the receipt and expenditure of money on account of the burial society of the United Syna- 40 gogue.

The committee
of finance.

16. There shall be a committee of the vestry of the United Synagogue, which shall be called the committee of finance. The said committee shall consist of the two treasurers for the time being of the United Synagogue, and of one person for each of the constituent synagogues, to be elected in manner 45 following; that is to say, at the meeting to be held at each of the constituent synagogues for the election of members of the vestry, the persons who shall be entitled to vote thereat shall select from among the persons elected at such

meeting as members of the vestry a person to be a member of the committee of finance. A.D. 1870.

17. The committee of finance shall assist the treasurers of the United Synagogue in the duties of their office, and shall have the general supervision of the financial concerns of the United Synagogue other than those of the burial society. Duties of the committee of finance.

18. The overseers of the poor of the United Synagogue shall superintend the relief of the poor of the United Synagogue. Duties of the overseers of the poor.

19. There shall be a committee of the vestry, which shall be called "The Committee for the Relief of the Poor." The said committee shall consist of the overseers of the poor for the time being and of four persons who shall be appointed annually by the vestry from among the members thereof. The committee for the relief of the poor.

20. The committee for the relief of the poor shall assist the overseers of the poor in the duties of their office. Duties of the committee for the relief of the poor.

21. There shall be a society, which shall be called "The Burial Society of the United Synagogue." The constitution of the society, and the conditions and privileges of membership, shall, subject to the provisions in relation thereto contained in this scheme, be determined by the vestry. The burial society of the United Synagogue.

22. There shall be no distinction as to the place of interment between privileged members of the United Synagogue and others; provided always, that nothing herein contained shall prejudice the rights of property of persons who have acquired, or prevent persons from hereafter acquiring land as sites for graves. No distinction as to place of interment between privileged members and other persons.

23. Two treasurers of the burial society shall be elected annually by the vestry from among the members of the burial society. They shall be honorary officers of the United Synagogue. The treasurers of the burial society.

24. The treasurers of the burial society shall have the general superintendence of the receipt and expenditure of moneys on account of the burial society. Duties of the treasurers and committee of the burial society.

25. All of the said committees shall be subject to the control of the vestry. Committees to be subject to control of vestry.

26. All matters, acts, and questions to be done, determined, and decided by the vestry, or by any of the said committees, shall be done, determined, and decided by the majority of the persons present at a meeting of the said vestry or committee. The chairman at any of such meetings shall, in case of equality of votes, have a double or casting vote; fifteen persons shall, until otherwise determined by the vestry, form a quorum at meetings thereof. Majority of persons present at meeting to determine questions, &c.

27. The said honorary officers, the seven elders, and the elected members of the vestry and of the said committees, shall hold office or serve from such time in the year of their election as the vestry shall determine, until the time at which, in the year of the next like election, their successors shall commence to hold office or serve. In case of any of the said officers dying during his term of office, a successor may be elected in manner hereby provided for the election of the officer so dying, and shall hold office during the remainder of the said term. Tenure of office of honorary officers, &c.

28. The property specified in the first schedule (being the site and buildings of the present constituent synagogues and of the burial grounds connected therewith, together with other lands belonging to or held in trust for the present

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Proviso as
to closing a
synagogue.

constituent synagogues,) shall be held by the respective trustee or trustees for the time being thereof (instead of the trusts now or heretofore applicable to the same) upon trust that the same shall be kept and used for such purposes and in such manner as the vestry shall, in accordance with the objects hereof and consistently with this scheme, direct. And it is hereby declared that the said 5
respective trustees or trustee shall and may lease, sell, exchange, alienate, charge, or otherwise dispose of the said property or any part thereof, as the vestry shall from time to time direct; provided always, that so long as the annual income derived from the rental of seats at a constituent synagogue, and from the payments of seat-holders thereat, shall amount to or exceed the annual 10
sums which shall be expended for the maintenance and support of such synagogue, and which the same synagogue shall be liable to contribute for the relief of the poor and other general purposes of the United Synagogue, the vestry shall not discontinue the synagogue as a place of worship, or sell the site on which the synagogue is built, or the buildings thereon, or otherwise deal with 15
the same, so that such site and buildings cannot be used as a synagogue or place of worship; provided, nevertheless, that if it shall, in the opinion of the vestry, be desirable that any such synagogue shall be discontinued as a place of worship, although the said income shall amount to and exceed the annual sums herein-
before mentioned, a meeting shall be held at which all male persons who shall, 20
during the year immediately preceding the date thereof, have occupied seats in the same synagogue as tenants, and shall not at the date of such meeting have been more than a year in arrear in payment of their accounts to the United Synagogue, shall be entitled to vote. And the question whether the said syna-
gogue shall be discontinued as a place of worship shall be put to the meeting. 25
And in the event of the majority of persons present and entitled to vote at the meeting voting in favour of such discontinuance, and of at least one half of the persons entitled to vote (as well those present at the meeting as those absent therefrom) confirming the said vote at the meeting, or within a stated time thereafter, by recording the same in such manner as the vestry shall determine, 30
the said constituent synagogue shall or may be discontinued as a place of worship, and the proviso lastly herein-before contained shall thereupon be void as to the same constituent synagogue and the site thereof, and the buildings upon such site; provided also, and it is hereby declared, that no purchaser at a sale by
trustees or a trustee, by the direction of the vestry, shall be bound to see or in- 35
quire whether or not the same is in breach of the two provisos lastly herein-
before contained, or either of them, but such sale shall, so far as concerns the safety or protection of a purchaser thereat, be valid, whether or not the same is in breach of such provisos or either of them.

The Central
Branch Syna-
gogue to take
the place of
the Portland
Street Branch
Synagogue.

29. The site and buildings of the Portland Street Branch Synagogue shall 40
not be within the provisos in the last preceding clause contained. But the synagogue may be discontinued after the Central Branch Synagogue now in course of erection in Great Portland Street aforesaid shall be completed, and the Central Branch Synagogue shall, upon its consecration, by or with the
sanction of the Chief Rabbi, take the place of the Portland Street Branch 45
Synagogue for the purposes of this scheme, and the site and buildings thereof shall be subject to the last preceding clause, including the provisos therein contained.

30. The rents, profits, and income to arise from the letting or otherwise from the management of such part of the said property as shall not be used for the purposes of the United Synagogue, and the moneys to arise from the sale or disposition of such property or any part thereof, shall be applicable for the general purposes of the United Synagogue.

A.D. 1870.

Profits of such property to be applied to general purposes.

31. The funds specified in the second schedule (being certain funds belonging to the Great, Hambro', and New Synagogues respectively, which or parts of which were heretofore applicable to the general purposes of the same synagogues respectively,) and the income thereof, shall be held by the respective trustees or trustee for the time being thereof (instead of the trusts now or heretofore applicable to the same), upon trust that the said funds and the income thereof shall be applied for the general purposes of the United Synagogue.

Funds in second schedule.

32. The funds specified in the third schedule (being certain funds belonging to the Great, Hambro', and New Synagogues respectively, which or parts of which were heretofore applicable as building funds,) and the income thereof, shall be held by the respective trustees or trustee for the time being thereof (instead of the trusts now or heretofore applicable to the same) upon trust that the same shall be applicable as a building fund for the building and repair of constituent synagogues and burial grounds of the United Synagogue.

Funds in third schedule.

33. The funds specified in the fourth schedule (being certain funds belonging to the Great and New Synagogues respectively, heretofore applicable for the relief of privileged members and their families, and certain funds belonging to the Hambro' Synagogue, heretofore applicable to the general purposes thereof), or the income thereof, shall be held by the respective trustees or trustee thereof (instead of the trusts now or heretofore applicable to the same) upon trust that the same shall form a fund, to be called "The Privileged Members' Fund," and that the same fund, or the income thereof, shall be applicable to the relief, in such manner as the vestry shall determine, of privileged members of the United Synagogue, and of such classes of relations and connexions of privileged members of the United Synagogue as the vestry shall, consistently with this scheme, direct.

Funds in fourth schedule.

34. The funds specified in the fifth schedule (being funds belonging to or administered by the Great, Hambro, and New Synagogues respectively, which were heretofore applicable to special purposes, and forming subsidiary charities of the said synagogues), and the income thereof, shall be held by the respective trustees or trustee for the time being thereof upon, with, and subject to the same respective trusts, powers, and provisions as are now applicable to the same respectively, save and except, and it is hereby declared, that in any case in which a power or discretion is or has been reposed in any officer or officers, body or bodies of or connected with any of the present constituent synagogues, such power or discretion is hereby conferred upon and reposed in and shall be exercisable by the vestry of the United Synagogue, or any committee of the vestry, or any officer or officers of the United Synagogue to whom the vestry shall delegate the same; and save and except, and it is hereby declared, that in any case in which a person or persons, or a class or classes of persons, or an institution or institutions standing in any relation to any of the present constituent synagogues, shall be an object or objects of the charity constituted by any of the said funds, the object or objects of the charity representing the same

Funds in fifth schedule.

A.D. 1870. shall be a person or persons, or a class or classes of persons, or an institution or institutions, standing in a similar relation to the United Synagogue generally; and save and except, and it is hereby declared, that the trusts, powers, and provisions now or heretofore applicable to the said respective funds may in other respects be from time to time varied and modified by the vestry, so far as shall be deemed necessary for the due administration of the same in connexion with the United Synagogue. 5

Other property. 35. All property belonging to or held in trust for the present constituent synagogues, not specified in the schedules, shall belong to or be held in trust for the United Synagogue, and shall be dealt with and disposed of as the vestry shall from time to time direct. 10

Debts and liabilities transferred. 36. All debts, obligations, and liabilities at the date of the establishment of this scheme due or existing to or from the present constituent synagogues, or any of them, or any of their subsidiary charities, or to or from any officer or officers, body or bodies, trustee or trustees of or connected with the present constituent synagogues or any of them, in respect of the same constituent synagogues or any of them, or any of their subsidiary charities, shall be debts, liabilities, or obligations of the United Synagogue and its subsidiary charities respectively; and in any case in which any person or persons shall be entitled to or bound by the same debts, obligations, or liabilities by virtue of his or their being an officer or officers of any of the present constituent synagogues, the vestry may direct that any officer or officers for the time being of the United Synagogue shall be entitled to or bound by the same debts, obligations, or liabilities, and such officer or officers shall, when he or they shall be appointed, be entitled to or bound by such debts, obligations, or liabilities, in lieu of the person or persons theretofore entitled thereto or bound thereby. And the accounts which, at the date of the establishment of this scheme, are due or accruing due from any person to any of the present constituent synagogues, shall, in determining the question whether or how long such person shall have been in arrear in payment of his accounts to the United Synagogue, and for all other purposes, be considered as forming part of such last-mentioned accounts. 15 20 25 30

Vestry may accept gifts. 37. The vestry may accept gifts or endowments for particular charitable objects in connexion with the Jewish religion, or otherwise in aid of the purposes of the United Synagogue, or its subsidiary charities; and such gifts or endowments may be held and applied in accordance with the directions or stipulations (if any) which may be given or prescribed by the donors, provided that such directions or stipulations shall not be inconsistent with the provisions or objects of this scheme. 35

Bequest in wills of persons living at date of scheme. 38. Any bequest contained in the will of a person living at the date of the establishment of this scheme, in favour of or directed to be administered by or in connexion with any of the present constituent synagogues, or a subsidiary charity or charities of any of the same synagogues, shall take effect in favour of or be administered by or in connexion with the United Synagogue or (as the case may be) the corresponding subsidiary charity or charities of the United Synagogue, and shall be held by the trustee or trustees for the time being thereof upon, with, and subject to such trusts, powers, and provisions as are by such will expressed concerning the same, save and except, and it is hereby 40 45

A.D. 1870

declared, that in any case in which a power or discretion shall be by such will reposed in any officer or officers, body or bodies of or connected with any of the present constituent synagogues, such power and discretion shall be and be considered as having been conferred upon and reposed in and shall be exercised by the vestry of the United Synagogue, or any committee of the vestry, or any officer or officers of the United Synagogue to whom the vestry shall delegate the same; and save and except, and it is hereby declared, that in any case in which a person or persons, or a class or classes of persons, or an institution or institutions, standing in any relation to any of the present constituent synagogues, shall be an object or objects named or designated in the said bequest, the object or objects of the same bequest shall be a person or persons, or a class or classes of persons, or an institution or institutions, standing in a similar relation to the United Synagogue generally; and save and except, and it is hereby declared, that the trusts, powers, and provisions by such will declared concerning the said bequest may, in other respects, be from time to time varied and modified by the vestry, so far as shall be deemed necessary for the due administration of the same, in connexion with the United Synagogue.

39. The vestry may appoint trustees of any such gift or endowment as is mentioned in either of the last two clauses, and of any property which may hereafter be purchased or acquired by or for the purposes of the United Synagogue or any of its subsidiary charities.

Vestry may
appoint
trustees.

40. If any present or future trustee or trustees of any part or parts of the property specified in the schedules, or of any other property now or at any future time belonging to or held in trust for the United Synagogue or any of its subsidiary charities, shall die, or permanently reside abroad, or shall desire to be discharged, or refuse, or become bankrupt, or incapable to act, the vestry may appoint a new trustee or new trustees in the place of the trustee or trustees whose office shall be so vacated; and upon every or any such appointment the number of trustees may be augmented or reduced, but not so as to be permanently reduced below three.

Appointment
of new trustees.

41. Each of the constituent synagogues shall, in respect of such matters of a local nature affecting the same synagogue as are herein specified, and as shall be hereafter determined by the vestry of the United Synagogue, be under the immediate management of a body, which shall be called the Board of Management of the said constituent synagogue, and shall consist of the two wardens for the time being of the constituent synagogue, and of not less than five other persons, who shall be called committee-men. The said wardens and committee-men shall be privileged members of the United Synagogue, at the time of election holding seats at the said constituent synagogue, and shall be elected in manner following, that is to say:—There shall in every year be held a meeting at such constituent synagogue for the election of such wardens and committee-men; the persons entitled to vote at the meeting shall be all male persons who shall, during the whole of the year immediately preceding the date thereof, have been in occupation of seats at the same synagogue as tenants or seatholders, and shall not at the date of such election have been more than a year in arrear in payment of their accounts to the United Synagogue. The persons who shall be elected shall hold office and be members of the board of management, from such time in the year of their election as the vestry of the United Synagogue

Board of management of
constituent
synagogues.

- A.D. 1870. shall determine, until in the following year their successors shall commence to hold office and become members of the board. In case of either of the wardens of a constituent synagogue dying or becoming incapable to act during his term of office, a successor may thereupon be elected in like manner, and shall hold office during the remainder of the said term. 5
- Wardens to preside at meetings of board. 42. One of the wardens of a constituent synagogue shall preside at all meetings of the board of management thereof at which they or one of them shall be present. If both of the wardens shall be absent from a meeting, the members present shall elect one of their number to be chairman.
- Duties of wardens. 43. The wardens of a constituent synagogue shall preside therein, and shall have the general superintendence of the religious service and local business thereof. 10
- Majority of persons present at meeting of board to determine questions, &c. 44. All acts, matters, and questions to be done, determined, and decided by the board of management of a constituent synagogue shall be done, determined, and decided by the majority of persons present at a meeting of the said board. The chairman at any of such meetings shall, in case of equality of votes, have a double or casting vote. Three persons shall, until otherwise determined by the said board, form a quorum at any meeting thereof. 15
- Board to prepare annual budget. 45. The board of management of each constituent synagogue shall annually prepare and submit to the vestry a budget or scheme, showing the estimated income and expenditure for the ensuing year in respect of the same constituent synagogue; and such budget or scheme shall, if and so far as the same shall not be varied by the vestry within two months after the same shall be submitted, and subject to such variations (if any) as shall within the said two months be made by the vestry, be deemed to be confirmed and adopted by the vestry; and the income and expenditure of the ensuing year in respect of the constituent synagogue shall, as closely as may be, be regulated by and with reference to the same budget. Provided always, that the provision made by this clause may, upon or at any time after the expiration of three years from the date of the establishment of this scheme, be annulled or varied by the vestry. 20 25 30
- Board to have power to have supervision of local officers, &c. 46. The board of management of a constituent synagogue shall have the general supervision and control of all salaried officers of the United Synagogue whose duties relate specially to the said constituent synagogue, and shall have power, in case of a vacancy, to appoint any such officer, whose salary shall not exceed thirty pounds a year. 35
- Board to have power to direct certain payments. 47. The board of management of a constituent synagogue shall have power to direct repairs in the same synagogue to an amount not exceeding in any one year the sum of fifty pounds, and to direct an expenditure for the general purposes of the same constituent synagogue to an amount not exceeding in any one year the sum of fifty pounds. 40
- Board to fix rentals of seats, subject to confirmation by vestry. 48. The board of management of a constituent synagogue shall fix the rentals to be paid for the use of seats thereat, and submit the same to the vestry, and such rentals shall, if and so far as the same shall not be varied by the vestry within two months after the same shall be submitted, and subject to such variations, if any, as shall within the said two months be made by the vestry, be deemed to be confirmed and adopted by the vestry, and take effect from and after the expiration of the said two months, until the same shall be varied by the said board of management and vestry in manner aforesaid. 45

49. The board of management of a constituent synagogue may permit any person to preach therein.

Board to allow persons to preach at constituent synagogues, &c.
Other powers of board.

50. The board of management of a constituent synagogue shall have such further and other powers with reference to the management of matters of a local nature affecting the same synagogue as shall be determined by the vestry of the United Synagogue.

51. The board of management of a constituent synagogue shall be subject to the control of the vestry of the United Synagogue.

Board to be subject to control of vestry.
Board to make byelaws.

52. The board of management of a constituent synagogue may make and submit to the vestry byelaws or the regulation and management of matters of a local nature affecting the same constituent synagogue, and such byelaws shall be considered by the vestry, and shall take effect, if and so far as the same shall be confirmed and subject to any variations which may be made by the vestry, provided that no such byelaws are repugnant to or inconsistent with this scheme or the byelaws of the United Synagogue for the time being in force. In the meantime, and until such byelaws shall be passed by the vestry, or the same laws and regulations shall be otherwise altered or revoked by the vestry, the laws and regulations at the date of the establishment of this scheme in force with respect to the respective present constituent synagogues shall, notwithstanding that the same are herein-before annulled, remain in force, subject to and so far as not inconsistent with this scheme or the byelaws of the United Synagogue for the time being in force.

53. The vestry of the United Synagogue shall, by its byelaws, determine the manner in and conditions upon which persons shall hereafter be entitled to become privileged members of the United Synagogue, and the conditions subject to which they shall continue as such members, and the privileges of or connected with such membership; provided that no such byelaws are repugnant to or inconsistent with the provisions herein contained with respect to such members.

Privileged members.

54. All applications to become privileged members of the United Synagogue shall be made to the committee of the United Synagogue, and shall be adjudicated upon by such committee.

Applications to become privileged members.

55. All persons who at the date of the establishment of this scheme shall be privileged members of any one of the synagogues following, that is to say, the Great, Hambro', and New Synagogue, shall be and are hereby constituted privileged members of the United Synagogue, and shall, so far as not inconsistent with this scheme, retain their present privileges; and all persons who at the date of the establishment of this scheme shall, or if they were of full age would be entitled as of right to become privileged members of any one of the same synagogues, shall have the like right of becoming privileged members of the United Synagogue.

Present privileged members of a constituent synagogue to be privileged members of the United Synagogue, &c.

56. The privileged members of the United Synagogue shall be entitled to precedence in the constituent synagogues in which they hold seats, according to seniority of membership; and in calculating such seniority the date of admission shall, as to persons at the date of the establishment of this scheme being privileged members of a constituent synagogue, be considered to be the date at which they shall have been made privileged members of such constituent

Precedence of privileged members.

A.D. 1870.

Precedence of
honorary
officers.

synagogue, and as to other persons the date at which they shall have been made privileged members of the United Synagogue.

57. Persons who at the date of the establishment of this scheme are or who at any time have been honorary officers of any constituent synagogue shall be entitled to precedence in the same synagogue, according to the laws and regulations now in force with respect to such synagogue, and shall take similar precedence in any other constituent synagogue at which they may hold seats. 5

Vestry to de-
termine number
of salaried
officers, &c.

58. The vestry shall, subject to and so far as not inconsistent with the provisions of the 47th clause, have the power of determining the number of salaried officers of the United Synagogue, the amount of salaries to be paid to such officers, and the nature of the duties and liabilities attached to such offices. 10

Appointment
of officers of
United Syna-
gogue gene-
rally.

59. Whenever a vacancy shall occur in any office the duties of which relate to the United Synagogue generally, and the salary of which shall not be greater than 30*l.* a year, the vestry shall appoint a person to fill the same in such manner as they shall think fit; and whenever a vacancy shall occur in any office (other than that of Chief Rabbi) the duties of which relate to the United Synagogue generally, and the salary of which shall be greater than 30*l.* a year, the vestry shall give public notice of the existence of the vacancy, and such notice shall state the nature of the vacant office, the salary thereof, and the qualifications necessary therefor, and shall appoint a time for receiving applications from persons desiring to be candidates for the said office; and the vestry shall approve from among such persons of a person or persons as a candidate or candidates for the said office; and a meeting shall be held for the election of a person being the approved candidate or one of the approved candidates to fill the said office; and the persons entitled to vote at the said meeting shall be all male persons, who shall during the whole of the year immediately preceding the date thereof have been in occupation of seats at any constituent synagogue as tenants, and shall not at the date of such meeting have been more than a year in arrear in payment of their accounts to the United Synagogue, and also all privileged members of the United Synagogue who shall at the date of the establishment of this scheme be privileged members of one of the synagogues following; that is to say, the Great, Hambro', and New Synagogues, and shall not have been in such occupation as aforesaid of seats at a constituent synagogue; provided that such privileged members shall not at the date of the meeting have been more than a year in arrear in payment of their accounts to the United Synagogue. 15 20 25 30 35

Appointment
of local officers.

60. Whenever a vacancy shall occur in any office the duties of which relate specially to a constituent synagogue, and the salary of which shall be greater than 30*l.* a year, the board of management of the said constituent synagogue shall give public notice of the existence of the vacancy, and such notice shall state the nature of the vacant office, the salary thereof, and the qualifications necessary therefor, and shall appoint a time for receiving applications from persons desiring to be candidates for the said office; and the board shall approve from among such persons of a person or persons as a candidate or candidates for the said office; and a meeting shall be held for the election of a 40 45

person, being the approved candidate, or one of the approved candidates, to fill the said office; and the persons entitled to vote at the said meeting shall be all male persons, who shall during the whole of the year immediately preceding the date thereof have been in occupation of seats at the said constituent syna-

A.D. 1870.

5 gogue as tenants, and shall not at the date of such meeting have been more than a year in arrear in payment of their accounts to the United Synagogue, and also all privileged members not holding seats, and all widows of privileged members of the synagogues following, that is to say, the Great, Hambro', and New Synagogues, who at the date of the establishment of this scheme are
10 entitled to vote at one of the same synagogues, shall continue to have the right of voting at that synagogue.

61. All persons who shall at the date of the establishment of this scheme be salaried officers of any of the present constituent synagogues shall, subject to and so far as not inconsistent with this scheme, retain their offices on the same
15 terms and conditions as they heretofore held the same; but they shall be deemed to be officers of the United Synagogue.

Present salaried officers to retain offices.

62. The vestry shall, subject to and so far as not inconsistent with the provisions of the 47th clause, have the power of regulating the income and outgoings of the United Synagogue and its subsidiary charities, and of determining the manner in which and the person or persons to or by whom the same shall be payable. In the meantime, and subject to and so far as not inconsistent with this scheme, the income and outgoings of the present constituent synagogues and of their subsidiary charities shall continue as heretofore, and shall be payable to and by the person or persons to and by whom the same have
25 heretofore been payable.

Vestry to regulate income and outgoings.

63. If the congregation of any synagogue or place of worship situate in London or its neighbourhood, for persons of the Jewish religion who use the Polish or German ritual, not being a constituent synagogue of the United Synagogue, shall desire to be admitted into the United Synagogue, and shall
30 notify such desire by resolution passed in accordance with the laws and regulations for the time being in force with respect to the same synagogue, or (in the absence of any such laws and regulations) by resolution passed at a meeting of all persons who shall occupy seats at the said synagogue, by the majority of persons present at such meeting, the vestry shall, if they shall approve of such
35 admission, submit the question to a meeting at which the persons entitled to vote shall be all privileged members of the United Synagogue who shall not at the date of the meeting have been more than a year in arrear in payment of their accounts; and if the said meeting shall approve of such admission, the said synagogue shall thereupon be admitted as and be a constituent synagogue,
40 and shall be entitled and liable to the like rights and obligations with those of the present constituent synagogues.

Admission of synagogues.

64. If the vestry shall think it desirable to erect and found a synagogue or place of worship in London or its neighbourhood for persons of the Jewish religion who use the Polish or German ritual, either in addition to the constituent synagogues, or in substitution for any one or more of such constituent synagogues, they shall submit the question of the erection and foundation of such synagogue to a meeting at which the persons entitled to vote shall be all privileged members of the United Synagogue, who shall not at the date of the

Founders of new synagogues.

A.D. 1870. meeting have been more than a year in arrear in payment of their accounts to the United Synagogue, and if the meeting shall approve of such erection and foundation, the said synagogue shall be erected, and shall be admitted as and be a constituent synagogue, and shall be entitled and liable to the like rights and obligations with those of the constituent synagogues. 5

Poor of the
United Syna-
gogue.

65. Persons belonging to one or other of the following classes shall constitute the poor of the United Synagogue, and shall be qualified to participate in the funds which have been or shall be given or bequeathed for the relief of the poor of the United Synagogue, or any of the constituent synagogues by name, and in funds and benefits of the United Synagogue available for the general 10 relief of the poor.

A. Privileged members of the United Synagogue, or of a constituent synagogue, and the widows, children, and grandchildren of such privileged members, provided that if such children or grandchildren have been married the ceremony of marriage shall have been performed by an 15 officer of the United Synagogue or of a constituent synagogue.

B. Persons who have paid for seats at a constituent synagogue for a period of not less than three years, and the widows and children of such persons, provided that if such children have been married the ceremony of marriage shall have been performed by an officer of the United Synagogue 20 or of a constituent synagogue.

C. Persons who have contributed 30*l.* to the funds of the United Synagogue or either of the constituent synagogues, and the widows and children of such persons, provided that if such children have been married the ceremony of marriage shall have been performed by an officer of the 25 United Synagogue or of a constituent synagogue.

D. Persons who have been married, and the ceremony of whose marriage has been performed by an officer of the United Synagogue, or of a constituent synagogue, three years or more before the relief shall be granted.

E. Such persons, not being members of any of the preceding classes, as the 30 committee of the United Synagogue shall from time to time select by name for that purpose.

Poor persons of the Jewish religion, not belonging to any of the preceding classes, shall be allowed to participate in the rate or tax for the relief of the poor, and the funds applicable to the general purposes of the United Synagogue, 35 upon such conditions and in such manner as the vestry shall from time to time determine.

Power of
vestry to make
byelaws.

66. The vestry of the United Synagogue shall have power to make, alter, or revoke byelaws for the regulation and management of the United Synagogue and its subsidiary charities, and of the constituent synagogues, and of the estates 40 and property belonging to or held in trust for the United Synagogue and its subsidiary charities, and for fixing and determining the manner of electing the honorary and salaried officers of the United Synagogue and of the constituent synagogues, the period of their continuance in office, the duties of such officers, and determining who shall be accredited officers of the United Synagogue, and 45 fixing and determining the duties and powers of the committees herein-before mentioned, and the manner in which they shall perform and exercise such duties and powers, and the manner of holding and directing meetings, and the periods

at which the same shall be held, and for the regulation of and mode of exercising all powers and discretions by this scheme conferred on or reposed in the said vestry, and the general regulation, management, and government of the United Synagogue and its subsidiary charities; provided that no such byelaws are
 5 repugnant to or inconsistent with this scheme.

A.D. 1870.

67. If, in the opinion of the vestry any alteration or modification of this scheme shall be required for any purpose, such alteration or modification may be made in manner following:—There shall be held a meeting at each of the constituent synagogues, and at such meeting there shall be elected one person
 10 (being at the time of election a seatholder at such synagogue, and not being a member of the vestry) for every whole number of twenty-five seats in the part of the same synagogue appropriated to men, which, three months before the date of the said meeting, were in the occupation of tenants, and which have been before the date of the summoning of the meeting duly returned to the
 15 vestry as in such occupation. The persons entitled to vote at the meeting shall be such persons as would have been entitled to vote thereat if the same had been for the election of elected members of the vestry. And the said alteration or modification shall be submitted to a meeting which shall consist of the vestry of the United Synagogue, together with the persons elected at the said
 20 meetings, and shall, if adopted by such combined meeting, thereupon be made and take effect. But if the said combined meeting shall make any variation in the said alteration or modification, the said variation shall be considered by the vestry, and if the same shall be adopted by them the said alteration or modification, with such variation, shall, upon the adoption thereof, be made and take
 25 effect; provided that no alterations, modifications, or variations shall be made involving a deviation from the main object and principles of this scheme.

Alterations and modifications of scheme.

68. If any doubt or question shall arise as to the proper construction or application of the provisions of this scheme, or any such alteration, modification, or variation as aforesaid, or the management of the United Synagogue or any
 30 of its subsidiary charities, application may be made by the vestry of the United Synagogue to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the said vestry.

Applications to Board of Charity Commissioners.

69. This scheme shall come into operation at the date of the passing of the
 35 Act establishing the same.

Date of establishment of scheme.

SCHEDULES referred to in the Scheme.

FIRST SCHEDULE.

Property of Great Synagogue.

Site of the Great Synagogue with its appurtenances, Saint James's Place, Aldgate,
 40 London.

Certain houses in Duke's Place and Duke Street, Aldgate.

Land at Ducking Pond Lane, North Street, Eastman Street, Three Colt Court, Bethnal Green, Middlesex. A portion formerly used as a burial ground, other portion being let on lease, and having houses erected thereon.

A.D. 1870.	Site of the Central Branch Synagogue, Great Portland Street, Middlesex.	
	Site of the Portland Street Synagogue, Middlesex.	
	Burial ground at Westham, Essex.	
	Piece of Land, with three houses, situate east side, Mitre Court, Saint James's Place, London.	5

Property of Hambro' Synagogue.

Site of the Hambro' Synagogue, with offices and dwelling houses adjoining, Church Row, Fenchurch Street, London.	
Burial ground, Hoxton Old Town.	
Burial ground, Grove Street, Hackney.	10

Property of New Synagogue.

Site of the New Synagogue, Great Saint Helen's, London, with two dwelling houses adjoining.	
Burial ground at Westham, Essex.	
Burial ground at North Street, Whitechapel, and almshouses adjoining.	15

Bayswater Synagogue Property.

Site of the Bayswater Synagogue, Harrow Road, Middlesex, and the appurtenances.	
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SECOND SCHEDULE.

Property of Great Synagogue.

20

Amount of Stock.	Description of Stock.	Name of Fund.	
£ s. d.			
1,746 13 4	3 per cent. reduced -	General fund.	
1,675 3 11	3 per cent. reduced -	Legacy fund.	
306 0 9	Consols - - -	Old building fund.	
1,682 15 4	Consols - - -	Rothschild fund.	25
1,904 3 8	New 3 per cent. - -	General fund.	
24,900 0 0	New 2½ per cent. consols -	Legacy amalgamated fund.	

Property of the Hambro' Synagogue.

Amount of Stock.	Description of Stock.	Name of Fund.	
£ s. d.			
3,075 9 1	3 per cent. consols -	Accumulating fund.	30

Property of the New Synagogue.

Amount of Stock.	Description of Stock.	Name of Fund.	
£ s. d.			
4,000 0 0	New 3 per cent. - -	General purposes fund.	

THIRD SCHEDULE.

A.D. 1870.

Property of Great Synagogue.

	Amount of Stock.	Description of Stock.	Name of Fund.
	£ s. d.		
5	350 17 0	Consols - - -	New building fund.
	7,046 9 3	New 2½ - - -	Eliason's building fund.
	1,210 13 9	Reduced - - -	Bequest of I. Franks.

Property of Hambro' Synagogue.

	Amount of Stock.	Description of Stock.	Name of Fund.
	£ s. d.		
10	619 2 9	New 3 per cent. annuities	Building fund.

Property of New Synagogue.

	Amount of Stock.	Description of Stock.	Name of Fund.
	£ s. d.		
15	171 5 3	New 3 per cent. - -	Accumulating fund.

FOURTH SCHEDULE.

Property of Great Synagogue.

	Amount of Stock.	Description of Stock.	Name of Fund.
	£ s. d.		
20	9,100 0 0	New 2½ - - -	Decayed members fund.

Property of the Hambro' Synagogue.

	Amount of Stock.	Description of Stock.	Name of Fund.
	£ s. d.		
			General purposes fund.

Property of the New Synagogue.

	Amount of Stock.	Description of Stock.	Name of Fund.
	£ s. d.		
25	3,765 18 8	New 3 per cent. - -	Privileged members fund.

A.D. 1870.

FIFTH SCHEDULE.

Property of Great Synagogue.

Amount of Stock.	Description of Stock.	Name of Fund.
<i>£ s. d.</i>		
333 6 8	3 per cent. reduced	Legacy of Isaac Franks, 1840.
144 17 5	New 3 per cent.	Legacy of Aaron Goldsmid, 1826. 5
1,800 0 0	3 per cent. consols	Legacy of Asher Goldsmid, 1826.
1,350 0 0	3 per cent. consols	Legacy of Asher Goldsmid, 1826.
2,680 4 10	3 per cent. reduced	Legacy of Lazarus Simons, 1764.
1,080 19 2	3 per cent. consols	Legacy of Lazarus Simons, 1764.
4,472 17 6	3 per cent. consols	Legacy of Israel Elkin. 10
1,500 0 0	3 per cent. consols	Legacy of Moses Samuel, 1840.
159 8 2	3 per cent. consols	Legacy of Samuel Simons, 1827.
458 19 6	3 per cent. consols	Legacy of Moses Schiff.
1,800 0 0	3 per cent. consols	Legacy of A. L. Moses, 1860.
450 0 0	3 per cent. consols	Legacy of A. L. Moses, 1854. 15
1,108 15 7	3 per cent. consols	Legacy of Mrs. Catherine Joseph, 1857.
719 14 2	3 per cent. consols	{ Legacy of Mrs. Catherine Joseph, 1857.
388 17 0		
3,507 7 6	3 per cent. consols	Legacy of Dr. Falk. 20
52 14 0	3 per cent. consols	Legacy of John Davis, 1858.
4,000 0 0	3 per cent. consols	Legacy of M. B. Worms, 1867.
98 18 0	3 per cent. consols	Legacy of Abraham Nutchell.
388 15 0	New 3 per cent.	Legacy of Levy Samuel, 1837.
507 12 3	New 3 per cent.	Legacy of Bilah Samuel, 1837. 25
505 1 0	New 3 per cent.	Legacy of Hendelah Salomons, 1837.
205 2 6	3 per cent. consols	Hannah Benjamin's legacy.
1,000 0 0	New 2½ per cent.	Voluntary contributions.
707 6 6	3 per cent. consols	Legacy of Solomon Arnold, 1845. 30
2,000 0 0	3 per cent. consols	Legacy of Isaac Cohen, 1846.
2,632 1 0	3 per cent. consols	Legacy of Isaac Franks, 1847.

Property of Hambro' Synagogue.

Amount of Stock.	Description of Stock.	Name of Fund.
<i>£ s. d.</i>		
1,666 13 4	3 per cent. consols	Jacob Solomon's coal fund. 35
3,043 6 10	3 per cent. annuities	Abraham Solomon's coal fund.
303 16 0	3 per cent. reduced annuities.	Solomon Abraham's great coat charity.

Property of New Synagogue.

Amount of Stock.	Description of Stock.	Name of Fund.
<i>£ s. d.</i>		
878 11 7	New 3 per cent.	Talmud Torah fund.
325 0 0	Consols	Testator, Sarah Solomon.
1,894 13 11	Consols	Testator, Solomon Arnold.
2,067 4 8	Reduced 3 per cent.	{ Testator, Levy Salomons.
495 3 9		{ Testator, Abraham Levy. 45
513 10 11		{ Testator, Lawrence Myers.

Joint Property of the Conjoint Synagogues.

A.D. 1870.

Amount of Stock.	Description of Stock.	Name of Fund.
£ s. d. 1,969 18 1	3 per cent. consols -	Legacy of Ellis Woolf, 1830.

Jewish United Synagogues.

A

B I L L

For confirming a Scheme of the Charity
Commissioners for the Jewish United
Synagogues.

(*Prepared and brought in by*
Mr. William Edward Forster and
Mr. Secretary Bruce)

Ordered, by The House of Commons, to be Printed,
30 May 1870.

[Bill 151.]
Under 302,

A

B I L L

TO

Facilitate compromises and arrangements between creditors and shareholders of Joint Stock Companies in Liquidation. A.D. 1870.

WHEREAS it is expedient to amend the law relating to the Liquidation of Joint Stock Companies :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Joint Stock Companies Arrangement Act, 1870." Short title.

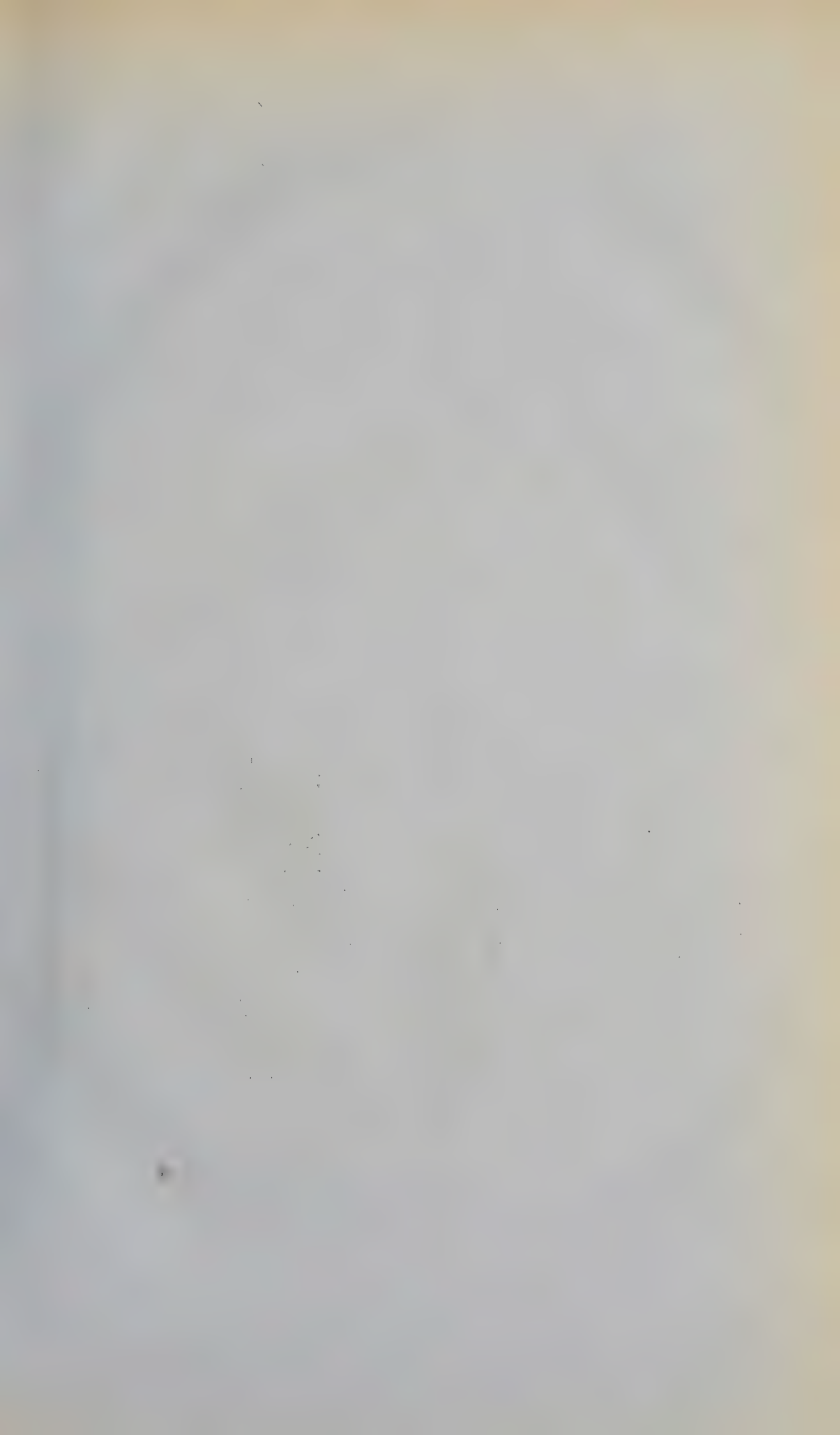
2. Where any compromise or arrangement shall be proposed between a Joint Stock Company in liquidation and its creditors, or any class of creditors, or between the shareholders, or any different class of shareholders, it shall be lawful for the Court of Chancery to order that a meeting of such creditors, or class of creditors, shareholders, or class of shareholders, be summoned in such manner as the Court shall direct, and, if a majority in number representing *three fourths* in value of such creditors or class of creditors, shareholders or class of shareholders, present, either in person or by proxy, at such meeting shall agree to a proposed arrangement or compromise, it shall, if duly confirmed by the order of the Court, be binding on all such creditors, class of creditors, shareholders, or class of shareholders.

Where compromise proposed Court of Chancery may order a meeting of creditors, &c. to decide as to such compromise.

3. The Lord Chancellor may from time to time make, and may from time to time revoke, general rules for the effectual execution of this Act and the objects thereof.

Lord Chancellor may make rules for execution of Act.

[Bill 143.]



Joint Stock Companies Arrangement.

A

B I L L

To facilitate compromises and arrangements between creditors and shareholders of Joint Stock Companies in Liquidation.

(Prepared and brought in by
Mr. Henry B. Sheridan, Mr. Serjeant Simon,
and Mr. Broden.)

*Ordered, by The House of Commons, to be Printed,
25 May 1870.*

[Bill 143.]
Under 1 oz.

A

B I L L

INTITULED

An Act to extend the Jurisdiction of the Judges of the Superior Courts of Common Law at Westminster. A.D. 1870.

WHEREAS it is expedient to amend the law relating to the jurisdiction of the Judges of the Superior Courts of Common Law at Westminster :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Judges Jurisdiction Act, 1870." Short title of Act.

2. The Chief Judge of any one of Her Majesty's Superior Courts of Common Law at Westminster may make request in writing to the Chief Judge of any other of the said Courts for the assistance of a Puisne Judge of his Court in the execution of the duties of the first-mentioned Court, either by sitting in Court or in any manner and for any purpose whatsoever, and such request may be either general or special and for such time as the Chief Judge making the request may deem proper ; and the Chief Judge to whom such request is made may (if the business pending in his Court do not peremptorily require the attendance of all the Puisne Judges) send one of such Puisne Judges to the assistance of the first-mentioned Court, and the Puisne Judge so sent shall in all matters of which he may take cognizance have the same jurisdiction in all respects as if he were a Puisne Judge of the Court to which the Chief Judge belongs who requests his assistance.

3. No evidence shall be required of such request by such Chief Judge in order to found the jurisdiction of such Puisne Judge. Evidence of request by Chief Judge not required.

4. Any of the Superior Courts of Common Law at Westminster may sit in two divisions at one time in banc ; and each of such divisions shall exercise the same power and authority as might be

[Bill 60.]

A.D. 1870. exercised by the whole Court so sitting in banc; and where necessary any Puisne Judge of either of the other Superior Courts may, on such request as above mentioned of a Chief Judge, assist in holding such sitting in the same manner and with the same authority as if he were a judge of the Court sitting in banc. 5

Any number of sittings may be held at Nisi Prius at one time in London or Westminster.

5. Any number of judges may at one and the same time hold a sitting or sittings at Nisi Prius either in London or Westminster, as may be deemed expedient by the Court.

Definition of Chief Judge.

6. The expression "Chief Judge" for the purposes of this Act shall mean the Chief Justice of the Court of Queen's Bench, the 10 Chief Justice of the Court of Common Pleas, and the Chief Baron of the Exchequer, and where the office of any such Chief Judge is for the time being vacant, the senior Puisne Judge of the Court in which such office may be vacant.

Judges Jurisdiction.

[H.L.]

A

B I L L

INTITLED

An Act to extend the Jurisdiction of
the Judges of the Superior Courts of
Common Law at Westminster.

(*Brought from the Lords 4 March 1870.*)

*Ordered, by The House of Commons, to be Printed,
4 March 1870.*

[Bill 60.]

Under 1 oz.

A
B I L L

INTITULED

An Act for enabling Her Majesty to appoint additional persons to be members of the Judicial Committee of the Privy Council, and for other purposes. A.D. 1870.

WHEREAS by an Act of the session of the third and fourth years of the reign of King William the Fourth, chapter forty-one, intituled "An Act for the better administration of justice in His Majesty's Privy Council," and the Acts amending the same, 3 & 4 W. 4.
c. 41.

5 a committee of Her Majesty's most honourable Privy Council, to be called "the Judicial Committee of the Privy Council," was formed for the purpose of hearing appeals made to Her Majesty in Council :

And whereas the said committee consists of persons being privy councillors who for the time being are filling or have filled the office of President of the said Council, or the judicial offices in the said Act mentioned, with the addition, as respects the hearing of certain cases relating to church discipline, of the archbishops and bishops who may be privy councillors, and with power for Her Majesty by sign manual to appoint any two other persons, being
15 Privy Councillors, to be members of the said committee :

And whereas it is expedient to increase the power of appointing members of the said Judicial Committee vested by the said Acts in Her Majesty :

Be it enacted by the Queen's most Excellent Majesty, by and
20 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited for all purposes as "The Judicial Committee Act, 1870." Short title
of Act.

25 2. Her Majesty may at any time after the passing of this Act, by warrant under Her sign manual, appoint as paid members of the said Judicial Committee any of the following persons, not exceeding two in number, who may be Privy Councillors, that is to say, any person Power for
Her Majesty
to appoint
two retired
Indian
judges as
[Bill 249.]

A.D. 1870.

—
salaried
members of
the Judicial
Committee.

Power of
Her Majesty
to appoint
two other
salaried
members of
the Judicial
Committee.

Salaried
members not
to sit in
Parliament.

Ex officio
members of
Judicial
Committee.

Judicial
Committee
may sit in
divisions.

Rules as to
sittings of
the Judicial
Committee.

Saving
clause.

who has held the office of Chief Justice in any of Her Majesty's High Courts of Judicature in India, or any person who has filled the office of legal member in the Council of the Governor General of India.

3. Her Majesty may at any time after the passing of this Act, by warrant under Her sign manual, appoint as paid members of the said Judicial Committee any persons, not exceeding two in number, being Privy Councillors, who may be barristers of not less than fifteen years standing.

4. A member of the Judicial Committee receiving payment under this Act shall not be capable of being elected to or sitting in the House of Commons.

5. Any Privy Councillor holding or having held the office of Lord Chancellor of Ireland or Lord Justice General of Scotland shall be a member of the Judicial Committee.

6. With a view to the more convenient despatch of business the said Judicial Committee may sit in two divisions, and each division of the said Committee, if it consist of not less than three members, may exercise the same jurisdiction and shall have the same powers as the Judicial Committee itself.

7. Her Majesty by Order in Council may provide for regular sittings of the Judicial Committee or of the divisions thereof being held continuously throughout the year except during vacation, and may prescribe rules as to the attendance of any members of the said committee, being salaried members of the committee, and as to the regulation of all matters relating to the institution and conduct of business coming within the cognizance of the Judicial Committee, or any division thereof.

Any Order in Council made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and the provisions therein contained shall be of the same force as if enacted in this Act.

Any Order in Council made in pursuance of this section shall be laid before Parliament within three weeks after it is made, if Parliament be then sitting, and, if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

8. Nothing in this Act contained shall lessen or affect the prerogative of Her Majesty to make orders for the regulation of sittings of the Privy Council or of any committee thereof, and all

powers of appointing members of the Judicial Committee, and other powers conferred by this Act, shall be deemed to be in addition to, and not in derogation of, any other powers belonging to Her Majesty by Act of Parliament or custom.

A.D. 1870.

Judicial Committee.

[H.L.]

A

B I L L

INTRODUCED

An Act for enabling Her Majesty to appoint additional persons to be members of the Judicial Committee of the Privy Council, and for other purposes.

(*Brought from the Lords 28 July 1870.*)

*Ordered, by The House of Commons, to be Printed,
28 July 1870.*

[Bill 249.]

Under 1 oz.

Juries Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Commencement of Act.
2. Application of Act.
3. Short titles of certain Acts.
4. Construction of Act and repeal of inconsistent enactments.
5. Definitions.
6. Qualification of householders as jurors.
7. Qualification of special jurors.
8. Qualification of jurors in Wales.
9. Aliens to be qualified after ten years domicile, but not otherwise.
10. Trial de medietate linguæ abolished.
11. Persons exempt from serving on juries.
12. Convicts (exception), outlaws, &c. disqualified.
13. Justices to assign payment to overseers for making out jury lists.
14. Overseers to specify special jurors in list.
15. Disqualification or exemption to be pleaded before revision of list.
16. Penalty on overseer for negligence.
17. Guardians to examine and certify jury lists before revision by justices.
18. Justices to certify jury lists after revision.
19. Overseers to report to under sheriffs quarterly of deaths or removal of jurors.
20. Special jurors names to be retained in jurors book.
21. Special juries for London and Middlesex to be provided in the same manner as in the county.
22. Abolition of present practice of nominating special juries in London and Middlesex.
23. Mode of obtaining special jury in London and Middlesex.
24. Summoning of jurors.
25. Jurors entitled to six days notice.
26. Special jurors to be fined 10% for non-attendance.
27. Sheriff to make regulations as to attendance.

[Bill 32.]

a

[Clause.

[33 V 33]

28. Each party may challenge six or, by leave, more jurors.
29. Tales not to be demanded as of right. Judge may direct trial to proceed with not less than nine special jurors.
30. On death, illness, or absence of jurors trial may proceed.
31. Payment of jurors.
32. Jurors to be allowed fire and refreshment.
33. Judges to make general orders.
34. Jury lists in the city of London to be made as before.

SCHEDULE.

A

B I L L

TO

Amend the laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries. A.D. 1870.

WHEREAS it is expedient to amend the laws regulating the qualification, summoning, attendance, and remuneration of special and common juries in England and Wales, and otherwise to amend the laws as to trials by jury in England and Wales: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act shall not come into force till the *second day of November One thousand eight hundred and seventy.* Preamble.
Commence-
ment of
Act.
2. This Act shall not apply to Scotland or Ireland. Application
of Act.
3. The Acts herein-after mentioned may be cited for all purposes by the short titles following; that is to say,
An Act of the session of the sixth year of the reign of King George the Fourth, chapter fifty, and intituled "An Act for consolidating and amending the Laws relative to Jurors and Juries," by the short title of "The County Juries Act, 1825;" Short titles
of certain
Acts.
- this Act by the short title of "The Juries Act, 1870."
4. This Act shall be construed as one with "The County Juries Act, 1825," and any Act amending the same; and such parts of the said Act and of any other Act or Acts as are inconsistent with this Act are hereby repealed. Construction
of Act and
repeal of
inconsistent
enactments.
5. In this Act— Definitions.
- The term "overseers" shall include churchwardens, and the term "quarter sessions" shall include general sessions.

[Bill 32.]

A

A.D. 1870.

Qualification
of house-
holders as
jurors.6 G. 4. c. 50.
s. 1.

6. So much of the first section of the County Juries Act, 1825, as enacts that every man, except as is therein-after excepted, between the ages of twenty-one years and sixty years, who being a householder shall be rated or assessed to the poor rate or to the inhabited house duty in the county of Middlesex on a value 5 of not less than thirty pounds, or in any other county on a value of not less than twenty pounds, shall be qualified, and shall be liable to serve on the juries in such section in that behalf mentioned is hereby repealed; and instead thereof it is hereby enacted, that every man, except as is herein-after excepted, between the ages of twenty- 10 one years and sixty years, who being a householder, within any parish in England or Wales, wholly or in part within any town containing according to the census next preceding the preparation of the jury list *twenty thousand* inhabitants and upwards, shall be rated or assessed to the poor rate or to the inhabited house duty on 15 a value of not less than *fifty pounds*; or who, being a householder within any other parish in England or Wales, shall be rated or assessed to the poor rate or to the inhabited house duty on a value of not less than *thirty pounds*, shall be qualified and shall be liable to serve on the juries in the first section of the County Juries Act, 20 1825, mentioned, and on any other juries or on inquests.

Qualification
of special
jurors.

7. Every man whose name shall be in the jurors book for any county in England or Wales, or for the county of the city of London, and who shall be legally entitled to be called an esquire, or shall be a person of higher degree, or shall be a banker or merchant, 25 or who shall occupy a private dwelling house rated or assessed to the poor rate or to the inhabited house duty on a value of not less than *one hundred pounds* in a town containing according to the census next preceding the preparation of the jury list, *twenty thousand* inhabitants and upwards, or rated or assessed to the poor 30 rate or to the inhabited house duty on a value of not less than *sixty pounds* elsewhere, or who shall occupy premises other than a farm rated or assessed as aforesaid on a value of not less than *two hundred pounds*, or a farm rated or assessed as aforesaid on a value of not less than *five hundred pounds*, shall be qualified and 35 liable to serve on special juries in every such county in England and Wales, and in London respectively.

Qualification
of jurors in
Wales.
6 G. 4. c. 50.
s. 1.

8. So much of the said first section of the County Juries Act, 1825, as relates to the qualification of persons as jurors in Wales is hereby repealed, and it is hereby enacted, that the qualification of 40 persons as jurors in Wales shall be the same as the qualification of persons as jurors in England.

9. Aliens having been domiciled in England or Wales for *ten* A.D. 1870. years or upwards, if in other respects duly qualified, shall be qualified and shall be liable to serve on juries or inquests in England and Wales as if they had been natural-born subjects of the Queen; but, save as aforesaid, no man not being a natural-born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Aliens to be qualified after 10 years domicile, but not otherwise.

10. No alien shall be entitled to claim to be tried by a jury *de medietate linguæ*.

Trial *de medietate linguæ* abolished.

11. The inhabitants of the city and liberty of Westminster shall, as heretofore, be exempt from serving on any jury at the sessions of the peace for the county of Middlesex.

Persons exempt from serving on juries.

The persons described in the schedule hereto shall be severally exempt from being returned to serve and from serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same, but, save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ to the contrary notwithstanding.

6 G. 4. c. 50. s. 2.
25 & 26 Vict. c. 107. s. 2.

12. Provided always, and it is hereby enacted, that no man who has been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry or excommunication, is or shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Convicts (exception), outlaws, &c. disqualified.

13. There shall be awarded by way of remuneration to the overseers of the parishes and townships situate in each county, riding, and division of a county, such sum of money for making out the lists of persons within their respective parishes and townships qualified to serve as jurors, as may from time to time be determined by the justices of such county, riding, or division of a county in quarter sessions assembled, with the consent of one of Her Majesty's principal Secretaries of State. Such remuneration shall be distributed among the overseers of each parish and township in each county, riding, and division of a county, as nearly as may be according to the proportion which the number of persons qualified to serve as jurors in the parish or township in respect of which the payment is made bears to the total number of persons specified in the jurors book for the county, riding, or division of a county in which such parish or township is contained.

Justices to assign payment to overseers for making out jury lists.

A.D. 1870. An account of the remuneration so payable to the overseers of each parish or township in each county, riding, or division of a county, shall be laid by the clerk of the peace of such county, riding, or division before the justices assembled at the next quarter sessions held after the jurors book has been made out, and the said justices, after allowance of the said account, shall make their order for the payment thereof, or of so much thereof as they may allow to the overseers of each parish or township in such county, riding, or division, and such payment shall be made accordingly out of the county rate of the said county, riding, or division. 5 10

Overseers to specify special jurors in list.

14. In making out the lists of persons within their respective parishes and townships qualified to serve as jurors, the overseers shall specify which of such persons are, in the judgment of such overseers, qualified as special jurors and the natures of their qualifications respectively. 15

Disqualification or exemption to be pleaded before revision of list.

15. No person whose name shall be in the jury book as a juror shall be excused from attendance on the ground of any disqualification or exemption not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list. 20

Penalty on overseer for negligence.

16. If any overseer, without reasonable excuse to be allowed by the justice or justices having cognizance of the case, insert in the list of persons qualified to serve as jurors prepared by him the name of any person whose name ought not to have been inserted therein, or omit therefrom the name of any person whose name ought not to have been omitted, he shall, on summary conviction, be liable to a penalty for each offence not exceeding *forty shillings*. 25

Guardians to examine and certify jury lists before revision by justices.

17. Previously to any list of jurors being produced for revision to the justices of the peace, as provided by the tenth section of the County Juries Act, 1825, the same shall be examined by the guardians of the poor of the parish to which the same shall apply, who shall certify in writing under their hands at the foot of such list that they have examined the same, and shall specify any errors or omissions in their opinion existing therein, including any errors or omissions as to special jurors or the qualifications of persons marked or omitted to be marked as special jurors, but such guardians shall not be at liberty to alter any such list. 30 35

Justices to certify jury lists after revision.

18. Upon completing the revision of the jury lists, the justices at petty sessions shall certify in writing that they have examined such lists and that the same are, to the best of their knowledge and belief, true and proper lists of the special and common jurors; and 40

the decision of such justices as to the qualifications of persons marked as special jurors in the lists so revised by them shall, as respects those lists, be final. A.D. 1870.

19. It shall be the duty of the overseers on every first day of January, first day of April, first day of July, and first day of October, or within one week next before or after each of those days respectively, to send to the offices of the under sheriffs of their respective counties lists in writing, and to be signed by such overseers, of all persons whose names were on the last revised jurors lists, and who shall have died or shall have ceased to reside in their respective parishes or townships, and the said under sheriffs shall amend the list of jurors accordingly.

Overseers to report to under sheriffs quarterly of deaths or removal of jurors.

20. And whereas by the thirty-first section of "The County Juries Act, 1825," it is enacted, that "the sheriff of every county in England and Wales or his under sheriff, and the sheriffs of London or their secondary, shall, within ten days after the delivery of the jurors book for the current year to either of them, take from such book the names of all men who shall be described therein as esquires, persons of higher degree, or as bankers or merchants:" Be it enacted, that nothing in the said section contained shall be deemed to authorize the said sheriffs or any of them, or any under sheriff, or any secondary, to remove from the jurors book the name of any person by reason of his being therein described as an esquire or person of higher degree, or as a banker or merchant.

Special jurors' names to be retained in jurors book.

21. In London and Middlesex, on the occasion of any sittings of the superior courts of common law, or any of them, for the trial of issues, a sufficient number of special jurymen, not less than thirty for each court, shall be summoned to try the special jury causes triable at such sittings.
- The said jurymen shall be summoned in pursuance of a precept under the hand of any one of the judges of the said superior courts in the same manner in all respects in which special jurymen are summoned in pursuance of precepts issued by the judges of assize.

Special juries for London and Middlesex to be provided in the same manner as in the county. 15 & 16 Vict. c. 76. s. 108.

- The persons summoned in pursuance of such precept shall be the jury for the trial of special jury causes at such sittings in the said courts respectively, subject to such right of challenge as the parties shall be entitled to.

- A printed panel of the jurors so summoned shall be made and kept, and a copy thereof delivered and annexed to the nisi prius record at the like time, in the same manner, and upon the same terms as are by law prescribed with reference to the panel of common jurors in the case of London and Middlesex.

15 & 16 Vict. c. 76. s. 107. 6 G. 4. c. 50. s. 26.

A.D. 1870. Upon the trial the special jury shall be ballotted for and called in the order in which they are drawn from the box in the same manner as common jurors.

Any special jurymen summoned to serve in any one of the said superior courts shall be qualified and be liable, in case of necessity, 5 to serve in any other of the said courts as if he had been originally summoned as one of the jurymen for the trial of special jury causes in such last-mentioned court.

Abolition of present practice of nominating special juries in London and Middlesex.
6 G. 4. c. 50. s. 32.

22. The present practice of nominating and reducing special jurors in London and Middlesex shall cease to be followed as regards 10 the trial of any cause at any of the said sittings of the said courts, subject to this proviso, that any of the said superior courts or any judge thereof may, if it seem expedient, order that a special jury be struck according to the present practice, and such order shall be a sufficient warrant for striking such jury and making a panel 15 thereof for the trial of the particular cause,

Mode of obtaining special jury in London and Middlesex.

23. In London and Middlesex, subject to any rules which may be made by any of the superior courts of common law in that behalf, any party to any action triable at any of the aforesaid sittings of the superior courts of common law, shall be entitled to 20 have the cause tried by a special jury upon the same conditions as would entitle him to have it so tried in any county other than London and Middlesex.

15 & 16 Vict. c. 107. s. 109.

In London and Middlesex every court or judge shall have the same power of ordering that a cause be tried by a special jury as 25 the like court or judge would have if the cause were tried in any county other than London and Middlesex.

Summoning of jurors.

24. The following regulations shall be enacted with respect to the summoning of jurors ;

1. The persons whose names shall be in the jury book as liable 30 to serve as jurors, whether qualified or not to serve as special jurors or grand jurors, shall, so far as possible, be summoned in rotation to serve on common juries, and the whole list of such persons shall, so far as possible, be exhausted before any person once summoned be summoned a second time to 35 serve on a common jury.
2. No person shall be exempted from serving as a common juror by reason of his being on any special jurors list, or being qualified to serve as a grand juror.
3. Service on any one of the three following classes of juries, 40 namely, common juries, special juries, and grand juries;

shall, in so far as relates to the liability to be summoned as a juror, be reckoned as service in any other of the said classes. A.D. 1870.

- 5 4. Save as aforesaid, nothing herein contained shall affect the liability of a person whose name is on any special jurors list to be summoned as a special juror, or the liability of a person who is qualified to serve on any grand jury to be summoned as a grand juror.
- 10 5. No person shall be summoned or liable to serve as a juror in more than one court on the same day, nor to attend on a jury summons for more than six week days at a time; and every form of jury summons shall specify the six consecutive week days within which the summons shall be in force.
- 15 6. If the sheriff or summoning officer, without reasonable excuse to be allowed by the justice or justices having cognizance of the case, make default in observing any of the rules or regulations of this Act as to summoning juries, he shall, on summary conviction, be liable to a penalty for each offence not exceeding forty shillings.

- 20 25. No juror shall be liable to any penalty for non-attendance on any jury unless the summons requiring him to attend be duly served six days at least before the day on which he is required to attend, but no longer period than such six days shall in any case be required between the service and such last-mentioned
- 25 day.

Jurors entitled to six days notice.
6 G. 4. c. 50. s. 25.
25 & 26 Vict. c. 107. s. 11.
6 G. 4. c. 50. ss. 38, 54.

26. All special jurors summoned and not in attendance when called shall pay, as of course, unless excused, a fine of *ten* pounds, and such fine shall not be remitted or reduced except for cause shown.

Special jurors to be fined 10*l*. for non-attendance.

- 30 27. It shall be lawful for any sheriff or other officer to whom any precept for summoning jurors shall be addressed, with the consent of the person or persons by whom such precept shall have been issued, to make regulations as to the attendance of jurors during the time for which they shall be summoned, and in particular as to the days on which, and the time during which, they are to attend.
- 35

Sheriff to make regulations as to attendance.

Such regulations may be sent to any juror, together with the summons requiring him to attend on any jury, and when so sent shall be deemed to be part of such summons.

A.D. 1870.

Each party
may chal-
lenge six, or
by leave,
more jurors.

28. It shall be lawful for each party to any trial of every description, both civil and criminal, to challenge as many as six, or by leave of the judge, a greater number of jurors. In all cases, the right of challenge shall be exercised by delivering to the associate, immediately before the trial is called on, a list of the names 5 objected to.

Tales not
to be de-
manded as
of right.
Judge may
direct trial
to proceed
with not less
than nine
special
jurors.

29. In special jury cases where a full available special jury are not in attendance a tales shall not be demanded as of right, but shall only be allowed either by leave of the judge or by consent. In case of the non-attendance of a full special jury, the judge shall 10 have power to direct the trial to proceed with not less than nine jurors, being special jurors, or to direct additional jurors, qualified to act as special jurors, to be obtained from another panel or otherwise.

On death,
illness, or
absence of
jurors, trial
may proceed.

30. In the event of the death, illness, or default of attendance of 15 any juror or jurors during any trial, civil or criminal, the judge shall have power, if he think fit, to allow the trial to proceed; and the verdict of the remaining jurors shall be a sufficient verdict, provided that such remaining jurors be not less than nine in number.

20

Payment of
jurors.

Sir W. Erle;
evidence
1083.
6 G. 4. c. 50.
s. 35.

31. Jurors shall be entitled to the following remuneration for their services; that is to say,

Every special juror, when summoned for the purpose of trying special jury cases, at the rate of *one pound one shilling* for every day of his attendance.

25

The remuneration of a juror, when trying common jury cases, shall be at the rate of *ten shillings* for every day of his attendance.

The above-mentioned remuneration shall be paid by the parties to the causes to be tried, and for that purpose each of the said parties 30 shall deposit such sum of money as may be determined by any rule of the court in which the cause is depending; and such deposit shall be made in such manner, at such time, and with such officer as the said court may prescribe.

Jurors to be
allowed fire
and refresh-
ment.

32. Jurors, after having been sworn, may, in the discretion of 35 the judge at whose court they shall be in attendance, be allowed the use of a fire when out of court, and be allowed reasonable refreshment, such refreshment to be procured at their own expense.

33. The judges of Her Majesty's superior courts of common law are hereby empowered by general orders to make rules, not inconsistent with this Act, for the purpose of carrying out the several provisions of this Act.

5 **34.** This Act shall not alter or affect the mode of procedure pursued in the making out of jury lists for the city of London.

A.D. 1870.

Judges to make general orders.

Jury lists in the city of London to be made as before.

6 G. 4. c. 50.
s. 50.
25 & 26 Vict.
c. 107. s. 15.

A.D. 1870.

SCHEDULE.PERSONS EXEMPT FROM SERVING ON JURIES.

Peers.

Members of Parliament.

Judges.

5

Clergymen.

Roman Catholic priests.

Ministers of any congregation of Protestant dissenters whose place of meeting is duly registered, provided they follow no secular occupation except that of a schoolmaster.

10

Serjeants and barristers-at-law, if actually practising.

Members of the Society of Doctors of Law and advocates of the civil law, if actually practising.

Attornies, solicitors, and proctors, if actually practising and having taken out their annual certificates, and their managing clerks.

15

Officers of the courts of law and equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the duties of their respective offices.

Coroners.

20

Gaolers and keepers of houses of correction, and all subordinate officers of the same.

Members and licentiates of the Royal College of Physicians in London, if actually practising as physicians.

Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, if actually practising as surgeons.

25

Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered medical practitioners and registered pharmaceutical chemists, if actually practising as apothecaries, medical practitioners, or pharmaceutical chemists respectively.

30

Officers of the navy, army, militia, and yeomanry, when on full pay.

The master, wardens, and brethren of the Corporation of Trinity House of Deptford Strond, and their clerks, officers, and servants.

35

Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in

the buoy and light service employed by either of those corporations, and all pilots licensed under any Act of Parliament or charter for the regulation of pilots. A.D. 1870. —

The household servants of Her Majesty, her heirs and successors.

5 Commissioners of property and income tax.

Officers of the Post Office and of the Customs and Excise.

Sheriffs officers and high constables.

Officers of the rural and metropolitan police.

Juries.

A

B I L L

To amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries.

(Prepared and brought in by
Viscount Enfield, Mr. Denman, and
Mr. Headlam.)

Ordered, by The House of Commons, to be Printed,
16 February 1870.

[Bill 32.]

Under 2 os.

Juries Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Commencement of Act.
2. Application of Act.
3. Short titles of certain Acts.
4. Construction of Act and repeal of inconsistent enactments.
5. Definitions.
6. Qualification of special jurors.
7. Qualification of jurors in Wales.
8. Aliens to be qualified after ten years domicile, but not otherwise.
9. Trial de medietate linguæ abolished.
10. Persons exempt from serving on juries.
11. Convicts (exception), outlaws, &c. disqualified.
12. Overseers to specify special jurors in list.
13. Disqualification or exemption to be pleaded before revision of list.
14. Penalty on overseer for negligence.
15. Justices to certify jury lists after revision.
16. Special jurors names to be retained in jurors book.
17. Special juries for London and Middlesex to be provided in the same manner as in other counties.
18. Abolition of present practice of nominating special juries in London and Middlesex.
19. Mode of obtaining special jury in London and Middlesex.
20. Summoning of jurors.
21. Jurors entitled to six days notice.
22. Sheriff to make regulations as to attendance.
23. Payment of jurors.
24. Jurors to be allowed fire and refreshment.
25. Judges to make general orders.
26. Jury lists in the city of London to be made as before.

SCHEDULE.

[Bill 182.]

a

A
B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries. A.D. 1870.

WHEREAS it is expedient to amend the laws regulating the qualification, summoning, attendance, and remuneration of special and common juries in England and Wales, and otherwise to amend the laws as to trials by jury in England and Wales: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act shall not come into force till the second day of November One thousand eight hundred and seventy. Commence-
ment of
Act.

2. This Act shall not apply to Scotland or Ireland. Application
of Act.

3. The Acts herein-after mentioned may be cited for all purposes by the short titles following; that is to say, Short titles
of certain
Acts.

15 An Act of the session of the sixth year of the reign of King George the Fourth, chapter fifty, and intituled "An Act for consolidating and amending the Laws relative to Jurors and Juries," by the short title of "The County Juries Act, 1825;"

this Act by the short title of "The Juries Act, 1870."

20 4. This Act shall be construed as one with "The County Juries Act, 1825," and any Act amending the same; and such parts of the said Act and of any other Act or Acts as are inconsistent with this Act are hereby repealed. Construction
of Act and
repeal of
inconsistent
enactments.

5. In this Act—

25 The term "overseers" shall include churchwardens, and the term "quarter sessions" shall include general sessions.

The word "juror" shall mean male persons only.

[Bill 182.]

A

A.D. 1870.

Qualification
of special
jurors.

6. Every man whose name shall be in the jurors book for any county in England or Wales, or for the county of the city of London, and who shall be legally entitled to be called an esquire, or shall be a person of higher degree, or shall be a banker or merchant, or who shall occupy a private dwelling house rated or assessed to 5 the poor rate or to the inhabited house duty on a value of not less than one hundred pounds in a town containing according to the census next preceding the preparation of the jury list, twenty thousand inhabitants and upwards, or rated or assessed to the poor rate or to the inhabited house duty on a value of not less than 10 fifty pounds elsewhere, or who shall occupy premises other than a farm rated or assessed as aforesaid on a value of not less than one hundred pounds, or a farm rated or assessed as aforesaid on a value of not less than three hundred pounds, shall be qualified and liable to serve on special juries in every such county in England 15 and Wales, and in London respectively.

Qualification
of jurors in
Wales.6 G. 4. c. 50.
s. 1.

7. So much of the said first section of the County Juries Act, 1825, as relates to the qualification of persons as jurors in Wales is hereby repealed, and it is hereby enacted, that the qualification of persons as jurors in Wales shall be the same as the qualification of 20 persons as jurors in England.

Aliens to be
qualified
after 10
years domi-
cile, but not
otherwise.

8. Aliens having been domiciled in England or Wales for ten years or upwards, if in other respects duly qualified, shall be qualified and shall be liable to serve on juries or inquests in England and Wales as if they had been natural-born subjects of 25 the Queen; but, save as aforesaid, no man not being a natural-born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Trial de
medietate
linguæ
abolished.Persons ex-
empt from
serving on
juries.
6 G. 4. c. 50.
s. 2.
25 & 26 Vict.
c. 107. s. 2.

9. No alien shall be entitled to claim to be tried by a jury de medietate linguæ. 30

10. The inhabitants of the city and liberty of Westminster shall, as heretofore, be exempt from serving on any jury at the sessions of the peace for the county of Middlesex.

The persons described in the schedule hereto shall be severally exempt as therein specified from being returned to serve and from 35 serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same, but, save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ 40 to the contrary notwithstanding.

11. Provided always, and it is hereby enacted, that no man who has been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry, is or shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

A.D. 1870.

Convicts
(exception),
outlaws, &c.
disqualified.

12. In making out the lists of persons within their respective parishes and townships qualified to serve as jurors, the overseers shall specify which of such persons are, in the judgment of such overseers, qualified as special jurors, and shall also specify in every case the nature of the qualification and also the occupation and the amount of the rating or assessment of every such person.

Overseers to
specify
special
jurors in
list.

13. No person whose name shall be in the jury book as a juror shall be entitled to be excused from attendance on the ground of any disqualification or exemption not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list.

Disqualifica-
tion or ex-
emption to
be pleaded
before re-
vision of
list.

14. If any overseer, without reasonable excuse to be allowed by the justice or justices having cognizance of the case, insert in the list of persons qualified to serve as jurors prepared by him the name of any person whose name ought not to have been inserted therein, or omit therefrom the name of any person whose name ought not to have been omitted, he shall, on summary conviction, be liable to a penalty for each offence not exceeding forty shillings.

Penalty on
overseer for
negligence.

15. Upon completing the revision of the jury lists, the justices at petty sessions shall certify in writing that they have examined such lists and that the same are, to the best of their knowledge and belief, true and proper lists of the special and common jurors; and the decision of such justices as to the qualifications of persons marked as special jurors in the lists so revised by them shall, as respects those lists, be final.

Justices to
certify jury
lists after
revision.

16. And whereas by the thirty-first section of "The County Juries Act, 1825," it is enacted, that "the sheriff of every county in England and Wales or his under sheriff, and the sheriffs of London or their secondary, shall, within ten days after the delivery of the jurors book for the current year to either of them, take from such book the names of all men who shall be described therein as esquires, persons of higher degree, or as bankers or merchants:" Be it enacted, that nothing in the said section contained shall be deemed to authorize the said sheriffs or any of them, or any under sheriff, or any secondary, to remove from the jurors book

Special
jurors'
names to be
retained in
jurors book.

A.D. 1870. the name of any person by reason of his being therein described as an esquire or person of higher degree, or as a banker or merchant, nor shall the said sheriffs or any sheriff or under sheriff or secondary remove from the jurors book the name of any person by reason of his being otherwise qualified to serve on special juries. 5

Special juries for London and Middlesex to be provided in the same manner as in other counties. 15 & 16 Vict. c. 76. s. 108.

17. In London and Middlesex, on the occasion of any sittings of the superior courts of common law, or any of them, for the trial of issues, a sufficient number of special jurymen, not less than thirty for each court, shall be summoned to try the special jury causes triable at such sittings. 10

The said jurymen shall be summoned in pursuance of a precept under the hand of any one of the judges of the said superior courts in the same manner in all respects in which special jurymen are summoned in pursuance of precepts issued by the judges of assize.

The persons summoned in pursuance of such precept shall be the jury for the trial of special jury causes at such sittings in the said courts respectively, subject to such right of challenge as the parties shall be entitled to. 15

A printed panel of the jurors so summoned shall be made and kept, and a copy thereof delivered and annexed to the nisi prius record at the like time, in the same manner, and upon the same terms as are by law prescribed with reference to the panel of common jurors in the case of London and Middlesex. 20

15 & 16 Vict. c. 76. s. 107. 6 G. 4. c. 50. s. 26.

Upon the trial the special jury shall be ballotted for and called in the order in which they are drawn from the box in the same manner as common jurors. 25

Any special jurymen summoned to serve in any one of the said superior courts shall be qualified and be liable, in case of necessity, to serve in any other of the said courts as if he had been originally summoned as one of the jurymen for the trial of special jury causes in such last-mentioned court. 30

Abolition of present practice of nominating special juries in London and Middlesex. 6 G. 4. c. 50. s. 32.

18. The present practice of nominating and reducing special jurors in London and Middlesex shall cease to be followed as regards the trial of any cause at any of the said sittings of the said courts, subject to this proviso, that any of the said superior courts or any judge thereof may, if it seem expedient, order that a special jury be struck according to the present practice, and such order shall be a sufficient warrant for striking such jury and making a panel thereof for the trial of the particular cause. 35

Mode of obtaining special jury

19. In London and Middlesex, subject to any rules which may be made by any of the superior courts of common law in that behalf, any party to any action triable at any of the aforesaid 40

sittings of the superior courts of common law, shall be entitled to have the cause tried by a special jury upon the same conditions as would entitle him to have it so tried in any county other than London and Middlesex.

A.D. 1870.
in London
and Middle-
sex.

- 5 In London and Middlesex every court or judge shall have the same power of ordering that a cause be tried by a special jury as the like court or judge would have if the cause were tried in any county other than London and Middlesex.

15 & 16 Vict.
c. 107. s.
109.

20. The following regulations shall be enacted with respect to the summoning of jurors:

Summoning
of jurors.

1. That no person shall be summoned to serve on any jury or inquest (except a grand jury) more than once in any one year, unless all the jurors upon the list shall have been already summoned to serve during such year.

15 Provided that nothing herein contained shall prejudice the operation of any certificate granted under the County Juries Act, 1825, secs. 41 and 42.

2. No person shall be exempted from serving as a common juror by reason of his being on any special jurors list, or being qualified to serve as a grand juror.

20

3. No person shall be summoned or liable to serve as a juror in more than one court on the same day.

21. No juror shall be liable to any penalty for non-attendance on any jury unless the summons requiring him to attend be duly served six days at least before the day on which he is required to attend, but no longer period than such six days shall in any case be required between the service and such last-mentioned day.

Jurors en-
titled to six
days notice.
6 G. 4. c. 50.
s. 25.
25 & 26 Vict.
c. 107. s. 11.
6 G. 4. c. 50.
ss. 38, 54.

22. It shall be lawful for any sheriff or other officer to whom any precept for summoning jurors shall be addressed, with the consent of the person or persons by whom such precept shall have been issued, to make regulations as to the attendance of jurors during the time for which they shall be summoned, and in particular as to the days on which, and the time during which, they are to attend.

Sheriff to
make regu-
lations as to
attendance.

35 Such regulations may be sent to any juror, together with the summons requiring him to attend on any jury, and when so sent shall be deemed to be part of such summons.

23. Jurors shall be entitled to the following remuneration for their services; that is to say,

Payment of
jurors.

[182.]

A 3

A.D. 1870. Every special juror, when summoned for the purpose of trying special jury cases, at the rate of one pound one shilling for every day of his attendance.

The remuneration of a juror, when trying common jury cases, shall be at the rate of ten shillings for every day of his attendance.

The above-mentioned remuneration shall be paid by the parties to the causes to be tried, and for that purpose each of the said parties shall deposit such sum of money as may be determined by any rule of the court in which the cause is depending; and such deposit shall be made in such manner, at such time, and with such officer as the said court may prescribe.

Jurors to be allowed fire and refreshment.

24. Jurors, after having been sworn, may, in the discretion of the judge, be allowed at any time before giving their verdict the use of a fire when out of court, and be allowed reasonable refreshment, such refreshment to be procured at their own expense.

Judges to make general orders.

25. The judges of Her Majesty's superior courts of common law are hereby empowered by general orders to make rules, not inconsistent with this Act, for the purpose of carrying out the several provisions of this Act.

Jury lists in the city of London to be made as before.

26. This Act shall not alter or affect the mode of procedure pursued in the making out of jury lists for the city of London, nor the provisions of the ninth and tenth Victoria, chapter ninety-five, section seventy-two.

6 G. 4. c. 50.
s. 50.
25 & 26 Vict.
c. 107. s. 15.

S C H E D U L E.

PERSONS EXEMPT FROM SERVING ON JURIES.

Peers.

Members of Parliament.

6 G. 4. c. 50.
s. 2.

5 Judges.

Clergymen.

Roman Catholic priests.

Ministers of any congregation of Protestant dissenters and of Jews whose place of meeting is duly registered, provided they follow no secular occupation except that of a schoolmaster.

Serjeants, barristers-at-law, certificated conveyancers, and special pleaders, if actually practising.

Members of the Society of Doctors of Law and advocates of the civil law, if actually practising.

15 Attornies, solicitors, and proctors, if actually practising and having taken out their annual certificates, and their managing clerks.

Officers of the courts of law and equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the duties of their respective offices.

20 Coroners.

Gaolers and keepers of houses of correction, and all subordinate officers of the same.

Members and licentiates of the Royal College of Physicians in London, if actually practising as physicians.

Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, if actually practising as surgeons.

Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered medical practitioners and registered pharmaceutical chemists, if actually practising as apothecaries, medical practitioners, or pharmaceutical chemists respectively.

Officers of the navy, army, militia, and yeomanry, while on full pay.

35 The master, wardens, and brethren of the Corporation of Trinity House of Deptford Strond, and their clerks, officers, and servants.

Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in

[182.]

A 4

A.D. 1870. the buoy and light service employed by either of those corporations, and all pilots licensed under any Act of Parliament or charter for the regulation of pilots.

The household servants of Her Majesty, her heirs and successors.

Officers of the Post Office and of the Customs and Excise.

5

Sheriffs officers.

Officers of the rural and metropolitan police.

Magistrates of the metropolitan police courts, their clerks, ushers, doorkeepers, and messengers.

5 & 6 W. 4. Members of the council of the municipal corporation of any 10
c. 50. s. 122. borough so far as relates to any jury summoned to serve in the county where such borough is situate.

Burgesses of every borough in and for which a separate court of quarter sessions shall be holden so far as relates to any jury summoned for the trial of issues joined in any court of general or 15 quarter sessions of the peace in the county wherein such borough is situate.

6 Geo. 4. Justices of the peace so far as relates to any jury summoned to
c. 50. s. 48. serve at any sessions of the peace for the jurisdiction of which he is a justice.

20

Juries.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries.

(Prepared and brought in by
Viscount Engfeld, Mr. Denman, and
Mr. Heatham.)

*Ordered, by The House of Commons, to be Printed,
27 June 1870.*

[Bill 182.]

Under 1 oz.

A

B I L L

TO

To enable the Commissioners of Her Majesty's Works and Public Buildings to improve a part of the Kensington Road, in the county of Middlesex. A.D. 1870.

WHEREAS it is expedient that the Commissioners of Her Majesty's Works and Public Buildings should be empowered to improve and divert a certain part of the Kensington Road lying between Queen's Gate and the Prince of Wales' Gate of Hyde Park :

And whereas a plan and duplicate thereof, together with a section and duplicate thereof, describing the proposed improvement and diversion, have been duly deposited with the clerk of the peace for the county of Middlesex :

10 And whereas Her Majesty is graciously pleased, by warrant under her sign manual, to consent to the appropriation to the purposes of such improvement and diversion of a narrow strip of land, not to exceed twenty-five yards in width and five hundred yards in length, delineated in the said plan, and being a portion of Hyde

15 Park :

And whereas on the completion of the said improvement and diversion a strip of land lying on the south side of the said Kensington Road, and delineated in the said plan as lying between the southern boundary of the new road and the southern boundary of the present road, will cease to form part of the Kensington Road, and when it so ceases will, by operation of law, revert as private property to the owners of the adjoining land :

20 And whereas the Commissioners of the Exhibition of 1851 claim to be the owners of a portion of such adjoining land, and are willing to contribute a sum of two thousand pounds towards the expense of the improvement and diversion of the said road, in consideration of the advantage which will accrue to them from the acquisition of the land so reverting to them as aforesaid :

[Bill 128.]

A

A.D. 1870. And whereas the duty of maintaining and repairing the portion of the Kensington Road so proposed to be improved and diverted as aforesaid is vested in the Board of Works for the Westminster district; and by an agreement, a copy of which is set forth in the schedule hereto, the said Board of Works for the Westminster 5 district have assented to the improvement and diversion proposed to be made by the said Commissioners, on condition of the same being confirmed by Act of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, 10 and Commons, in this present Parliament assembled, and by the authority of the same:

Short title. 1. This Act may be cited for all purposes as The Kensington Road Act, 1870.

Power of Commissioners to improve Kensington Road. 2. The Commissioners of Her Majesty's Works and Public 15 Buildings may carry into effect the improvement and diversion of the Kensington Road shown on the said deposited plan and section and in accordance with the said scheduled agreement.

Power to remove gas pipes, &c. 3. The Commissioners of Her Majesty's Works and Public Buildings, in carrying into effect the said improvement and diver- 20 sion, may take up, remove, alter, or divert and lay down or reconstruct all gas-pipes, lamps, water-pipes, posts, wires, sewers, drains, and other works and things in, under, or about the said road, for the purpose of carrying into effect the said improvement and diversion, paying compensation for any damage they may thereby cause to. 25 any company, public body, or person, the amount of such compensation to be determined in the manner in which compensation for land is determined by the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

Land appropriated to such improvement to be a public highway. 4. The said strip of land so authorized as aforesaid by warrant 30 of Her Majesty to be appropriated for the purposes of the said improvement and diversion, or so much thereof as may be so appropriated, shall be dedicated to the public for the purposes of a public highway.

Land ceasing on completion of improvement to be required as a public highway to vest in owners of adjoining land. 5. The said strip of land which, on the completion of the said 35 improvement and diversion, will cease to be required as a public highway, shall vest in the respective owners of the adjoining land discharged from all rights and privileges of the public or other persons or bodies corporate to use the same as a public highway, or otherwise howsoever, or to lay down pipes, sewers, or drains therein, 40 or exercise any right or easement thereon, to be held by the owners

of such adjoining land, for the several estates and subject to the trusts, if any, for and subject to which such adjoining property is held by them respectively. A.D. 1870.

5 6. The said agreement contained in the schedule hereto is hereby confirmed, and the making thereof shall be deemed to be and to have been within the legal powers of the said Commissioners of Her Majesty's Works and Public Buildings and the said Board of Works for the Westminster district respectively. Confirmation of agreement in schedule.

A.D. 1870.

SCHEDULE.

AN AGREEMENT made the 29th day of April 1870, between the Commissioners of Her Majesty's Works and Public Buildings of the one part, and the Board of Works for the Westminster district of the other part.

5

WHEREAS the said Commissioners intend to apply to Parliament during the present session for power to improve and divert a part of Kensington Road lying between the Queen's Gate and the Prince of Wales' Gate of Hyde Park, as shown on the plan hereunto annexed, and to appropriate for such purpose a portion of Hyde Park, to which appropriation Her Majesty has signified Her Royal assent 10 by warrant under Her sign manual: And whereas the whole or the greater part of the said road where the said improvement or diversion is proposed to be made lies in the Parish of Saint Margaret, Westminster: Now it is hereby agreed, by and between the parties hereto, as follows; (that is to say,)

1. If the requisite Parliamentary authority be obtained during the present 15 session of Parliament, the said Commissioners will reconstruct and pave the said road, or cause the same to be so done, in a proper manner, to the satisfaction of the said District Board, and free of expense to that Board or the parish of Saint Margaret, Westminster, so that the road as diverted shall be in all respects, including the levels and sections, at least as 20 good a road as the present road, and shall and will, if necessary, divert, alter, or reconstruct or remove (or cause the same to be done) all the pipes, sewers, water-courses, drains, and other structures, also the several lamp-posts and lanterns and fittings, and all other matters and things now existing under, upon, or about the said road, by adapting the same to 25 the diverted road, so that the same shall be at least as good and sufficient as they now are, and shall maintain the roadway and other works so to be made in good repair, to the like satisfaction, for the space and to the full end of one year from the time of completion thereof (of which the said Commissioners shall give due notice to the said Board). 30
2. From and after the expiration of the said term of one year from the time of the completion of the said several works in manner aforesaid, the said District Board shall, provided the said road and works have been completed and maintained to the satisfaction of the said Board, take to and maintain the new roadway to be made as aforesaid in all respects as 35 part of the said Kensington Road.
3. The said Commissioners shall cause as little interruption as possible to the traffic during the progress of the works.
4. That the said Commissioners shall pay the costs of this agreement and incident thereto, together with the reasonable charges of the surveyor of 40

the said Board in superintending and directing the construction and performance of the said works. A.D. 1870.

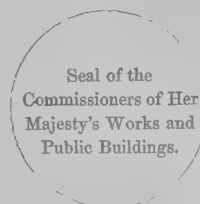
- 5 5. This agreement shall be void and of no effect unless the same shall be confirmed by an Act to be passed in the present or the next ensuing session of Parliament.

In witness whereof the said parties hereto have caused their respective common seals to be hereunto affixed, the day and year first above written.

The Seal of the Board of Works for the Westminster District, affixed by order.

10

EDWD. HOLLIS,
Clerk to the Board.



Kensington Road Improvement.

A

B I L L

To enable the Commissioners of Her Majesty's Works and Public Buildings to improve a part of the Kensington Road, in the county of Middlesex.

(*Prepared and brought in by
Mr. Ayrton and Mr. Stansfeld.*)

*Ordered, by The House of Commons, to be Printed,
16 May 1870.*

[Bill 128.]

Under 1 oz.

A

B I L L

To amend the Law relating to Advertisements respecting Stolen Goods. A.D. 1870.

WHEREAS under section one hundred and two of the Act of the Session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six, intituled, "An Act to consolidate and amend the Statute Law of England and 24 & 25 Vict. c. 96. s. 102.

5 "Ireland relating to Larceny and other similar offences," any person who prints or publishes advertisements for the return of stolen goods without questions being asked, or the like advertisements therein mentioned, forfeits the sum of fifty pounds to any person who will sue for the same by action of debt:

10 And whereas the provision in the said section has given occasion to many vexatious proceedings at the instance of common informers against printers and publishers of newspapers, and it is expedient to discourage the same:

Be it enacted by the Queen's most Excellent Majesty, by and 15 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the The Larceny (Advertisements) Act, 1870, and shall be construed as one with the recited Act, which 20 may be cited as The Larceny Act, 1861, and that Act and this Act may be cited together as the Larceny Acts, 1861 and 1870. Short title.

2. In this Act the term "newspaper" means a newspaper as defined for the purposes of the Acts for the time being in force relating to the carriage of newspapers by post. Definition of "newspaper."

25 3. Every action against the printer or publisher of a newspaper to recover a forfeiture under section one hundred and two of The Larceny Act, 1861, shall be brought within *six* months after the forfeiture is incurred, and no such action against the printer or publisher of a newspaper shall be brought unless the assent in 30 writing of Her Majesty's Attorney General or Solicitor General for England, if the action is brought in England, or for Ireland, if the action is brought in Ireland, has been first obtained to the bringing of such action. Limitation of actions for advertisements of reward for return of stolen property.

[Bill 159.]

A.D. 1870.

—
Stay of
proceedings
in action
brought
before pas-
sing of the
Act.

See

2 & 3 Vict.

c. 12. s. 15.

4. Where any action has been brought before the passing of this Act against the printer or publisher of any newspaper for the recovery of any forfeiture incurred under section one hundred and two of The Larceny Act, 1861, the defendant in such action may apply to a judge, if the action is brought in England, of one of the Superior Courts at Westminster, and if the action is brought in Ireland, of one of the Superior Courts at Dublin, and such judge upon such application and upon proof that sufficient notice of the application has been given to the plaintiff or his attorney, shall order that upon payment by the defendant of the plaintiff's costs out of pocket, incurred in the action up to the time of the application, the action shall be discontinued, or (if the forfeiture was incurred within six months before the passing of this Act), shall be discontinued unless the plaintiff before the expiration of six months from the date of the forfeiture obtain the assent required by this Act to the bringing of such action, and shall be stayed until such assent is obtained.

Larceny (Advertise- ments).

A

B I L L

To amend the Law relating to Advertise-
ments respecting Stolen Goods.

(*Prepared and brought in by*
Mr. Attorney-General and Mr. Solicitor-General.)

Ordered, by The House of Commons, to be Printed,
10 June 1870.

[Bill 159.]

Under 1 oz.

A
B I L L

TO

Amend the law relating to Life Assurance Companies. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited as "The Life Assurance Companies Act, 1870." Short title.

2. In this Act—

Interpreta-
tion of terms.

10 The term "company" means any person or persons, corporate or incorporate, not being registered under the Acts relating to friendly societies, who grant or are liable under policies of assurance or annuities upon human life within the United Kingdom:

The term "chairman" means the person for the time being presiding over the court or board of directors of the company:

15 The term "policy holder" means the person who for the time being is the legal holder of the policy for securing the life assurance, endowment, annuity, or other contract with the company:

20 The term "financial year" means each period of twelve months at the end of which the balance of the accounts of the company is struck, or if no such balance is struck, then each period of twelve months ending with the thirty-first day of December:

25 The term "court" means in the case of a company registered in England, the High Court of Chancery; in the case of a company registered in Ireland, the Court of Chancery in Ireland; in all cases of companies registered in Scotland, the Court of Session, in either division thereof.

[Bill 2.]

A

A.D. 1870.

Deposit.

3. Every company established after the passing of this Act shall be required to deposit the sum of twenty thousand pounds with the Accountant General of the Court of Chancery, to be invested by him in one of the securities usually accepted by the court for the investment of funds placed from time to time under its administration, 5 the company electing the particular security and receiving the income therefrom, and the Registrar General shall not issue a certificate of complete registration unless such deposit shall have been made, and the Accountant General shall return such deposit 10 to the company so soon as its life assurance fund accumulated out of the premiums shall have amounted to forty thousand pounds.

Life funds
separate.

4. In the case of a company established after the passing of this Act transacting other business besides that of life assurance the life assurance fund formed out of the payments made in respect of the life and annuity contracts of the company shall be a 15 separate fund, and shall not be liable for the other contracts of the company, but shall be as absolutely the security of the life policy holders as though it belonged to a company carrying on no other business than that of life assurance; and in respect to all such existing companies, the exemption of the life assurance fund 20 from liability for other obligations than to its life policy holders shall have reference only to the contracts entered into after the passing of this Act, unless by the constitution of the company such exemption already exists.

Statements
to be made
by com-
panies.

5. Every company shall, at the expiration of each financial year, 25 prepare a statement of its income and expenditure during such year, and of its balance sheet at the close of such year, in the forms respectively contained in the first and second schedules to this Act.

Statements
by company
doing other
than life
business.

6. Every company which, concurrently with the granting of policies of assurance or annuities on human life, transacts any other 30 kind of assurance or other business shall, at the expiration of each financial year, prepare statements of its income and expenditure during such year, and of its balance sheet at the close of such year, in the forms respectively contained in the third and fourth schedules of this Act. 35

Actuarial
report and
abstract.

7. Every company shall, once in every *five* years, or at such shorter intervals as may be prescribed by the instrument constituting the company, or by its regulations or byelaws, cause an investigation to be made into its financial condition by an actuary, and shall cause an abstract of the report of such actuary to be 40 made in the form prescribed in the fifth schedule to this Act.

8. Every company shall, within *two* years after the passing of this Act, and thereafter within six months after the date of each such investigation as aforesaid into its financial condition, but if such investigation be made annually, then at least once in every
 5 three years, prepare a statement of its life and annuity business in the form contained in the sixth schedule to this Act, each of such statements to be made up as at the date of the last investigation, whether such investigation be made previously or subsequently to the passing of this Act. A.D. 1870.
Statement of life and annuity business.
- 10 9. The Board of Trade, with the consent of a company, may alter the forms contained in the schedules to this Act, for the purpose of adapting them to the circumstances of such company, or of better carrying into effect the objects of this Act. Forms may be altered.
- 15 10. Every statement or abstract herein-before required to be made shall be signed by the chairman of the company and by the principal officer managing the life business, and, if the company has a managing director, by such managing director, and shall be printed; and the original, so signed as aforesaid, together with three printed copies thereof, shall be deposited at the Board of Trade
 20 within six months of the dates respectively herein-before prescribed as the dates at which the same are to be prepared. And every annual statement shall be accompanied by a printed copy of the actuarial report last previously made, together with the abstract thereof required to be made by clause 7. Statements, &c. to be signed and printed and deposited with Board of Trade.
- 25 11. A printed copy of the last deposited statement, abstract, or other document by this Act required to be printed shall be delivered by the company, on application, to every shareholder and policy holder of the company. Copies of statements to be given to shareholders, &c.
- 30 12. No amalgamation between companies, and no transfer of the business of one company to another, shall take place until a statement of the nature of the amalgamation or transfer, together with an abstract containing the material facts embodied in the agreement or deed under which such amalgamation or transfer is proposed to be effected, and copies of the actuarial or other reports upon
 35 which such agreement or deed is founded, shall have been forwarded to each policy holder of both companies in case of amalgamation, or to each policy holder of the transferred company in case of transfer, by the same being transmitted in manner provided by section one hundred and thirty-five of The Companies Clauses Con-
 40 solidation Act, 1845, for the transmission to shareholders of notices not requiring to be served personally, nor until the

A.D. 1870. — written consent of at least one half of the policy holders, determined by the amounts assured under their policies, and the values of their annuities, shall have been obtained, and the agreement or deed under which such amalgamation or transfer is effected shall be open for the inspection of the policy holders and 5 shareholders at the office or offices of the company or companies for a period of fifteen days after the issuing of the abstract herein provided.

Application
to Court.

13. In the case of a company which has obtained the consent of more than one fourth and less than one half of the policy holders 10 to an amalgamation or transfer, but has not received dissents to an amount equal to one tenth of the total sum assured, the directors of the company may apply to the court, by petition, to sanction the proposed arrangement, notice of such application being published in the Gazette, and the court, after hearing the directors and other 15 persons whom it considers entitled to be heard upon the petition, may confirm the same if it is satisfied that no sufficient objection to the arrangement has been established.

Statements
in case of
amalgama-
tion or
transfer.

14. When an amalgamation takes place between any companies, or when the business of one company is transferred to another 20 company, the combined company or the purchasing company, as the case may be, shall, within *ten days* from the date of the completion of the amalgamation or transfer, deposit with the Board of Trade certified copies of statements of the assets and liabilities of the companies concerned in such amalgamation or transfer, together 25 with a statement of the nature and terms of the amalgamation or transfer, and a certified copy of the agreement or deed under which such amalgamation or transfer is effected, and certified copies of the actuarial or other reports upon which such agreement or deed is founded; and the statement and agreement or deed of amalgamation 30 or transfer shall be accompanied by a declaration under the hand of the chairman of each company and the principal managing officer of each company, that to the best of their belief every payment made or to be made to any person whatsoever on account of the said amalgamation or transfer is therein fully set forth, and that no 35 other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities, or other property by or with the knowledge of any parties to the said amalgamation or transfer.

Documents
may be
transferred
from Board

15. The Board of Trade may direct any printed or other docu- 40 ments required by this Act, or certified copies thereof, to be kept by the registrar of Joint Stock Companies or other officer of the

Board of Trade; and any person may, on payment of such fees as the Board of Trade may direct, inspect the same at his office, and procure copies thereof.

A.D. 1870.

of Trade
to registry
of joint
stock com-
panies.

Documents
to be re-
ceived in
evidence.

16. Every statement, abstract, or other document deposited with the Board of Trade or with the registrar of Joint Stock Companies under this Act shall be receivable in evidence; and every document purporting to be certified by one of the secretaries or assistant secretaries of the Board of Trade, or by the said registrar, to be such deposited document, and every document purporting to be similarly certified to be a copy of such deposited document, shall, if produced out of the custody of the Board of Trade or of the said registrar, be deemed to be such deposited document as aforesaid, or a copy thereof, and shall be received in evidence as if it were the original document, unless some variation between it and the original document shall be proved.

17. Every company which makes default in complying with the requirements of this Act shall be liable to a penalty not exceeding *fifty pounds* for every day during which the default continues; and if default continue for a period of *three months* after notice of default by the Board of Trade, the Court may order the winding up of the company, in accordance with The Companies Act, 1862, upon the application of one or more policy holders or shareholders.

Penalty for
non-com-
pliance with
Act.

18. If any statement, abstract, or other document required by this Act is false in any particular to the knowledge of any person who signs the same, such person shall be liable on conviction thereof on indictment to fine and imprisonment, or on summary conviction thereof to a penalty not exceeding *fifty pounds*.

Penalty for
falsifying
statements,
&c.

19. Every penalty imposed by this Act shall be recovered and applied in the same manner as penalties imposed by The Companies Act, 1862, are recoverable and applicable.

Penalties
how to be
recovered
and applied.

20. The Court may order the winding up of any company, in accordance with The Companies Act, 1862, on the application of one or more policy holders or shareholders, upon its being proved to the satisfaction of the Court that the company is insolvent, and in determining whether or not the company is insolvent the Court shall take into account its contingent or prospective liability under policies and annuity and other existing contracts; but the Court shall not give a hearing to the petition until security for costs for such amount as the judge shall think reasonable shall be given, and until a *prima facie* case shall also be established to the satisfaction of the judge; and in the case of a proprietary company having an uncalled capital of an amount sufficient to make up the

Other cir-
cumstances
under which
company
may be
wound up
by the Court
of Chancery.

A.D. 1870. actual invested assets equal to the amount of the estimated liabilities, the Court shall suspend further proceedings on the petition for a reasonable time (in the discretion of the Court) to enable the uncalled capital, or a sufficient part thereof, to be called up; and if at the end of the original or any extended time for which the proceedings shall have been suspended such an amount shall not have been realized by means of calls as, with the already invested assets, to be equal to the liabilities, an order shall be made on the petition as if the company had been proved insolvent. 5

Power to
Court to
reduce
contracts.

21. The Court, in the case of a company which has been proved to be insolvent, may, if it thinks fit, reduce the amount of the contracts of the company upon such terms and subject to such conditions as the Court thinks just, in place of making a winding-up order. 10

Abstracts
of annual
statements
to be laid
before Par-
liament.

22. The Board of Trade shall lay annually before Parliament the statements, reports, and abstracts of reports deposited with them under this Act during the preceding year, or abstracts thereof. 15

Exceptions.

23. This Act shall not affect the Commissioners for the Reduction of the National Debt, nor the Postmaster General, acting under the authorities vested in them respectively by the Acts tenth George the Fourth, chapter forty-one, third and fourth William the Fourth, chapter fourteen, sixteenth and seventeenth Victoria, chapter forty-five, and twenty-seventh and twenty-eighth Victoria, chapter forty-three. 20

A.D. 1870.

FIRST SCHEDULE.

[2.]

Account of the Income and Expenditure of the _____ for the year ending _____			
18. (Date.)	£ s. d.	18. (Date.)	£ s. d.
Amount of funds at the beginning of the year		Claims under policies (after deduction of sums re-assured)	
Premiums (after deduction of re-assurance premiums)		Surrenders	
Consideration for annuities granted		Annuities	
Interest and dividends		Commission	
Other receipts (accounts to be specified)		Expenses of management	
		Dividends and bonuses to shareholders (if any)	
		Other payments (accounts to be specified)	
		Amount of funds at the end of the year, as per second schedule	
	£		£

Companies having separate accounts for annuities to return the particulars of their annuity business in a separate schedule.

A.D. 1870.

SECOND SCHEDULE.

Balance sheet of the _____ on the _____ 18 ____			
LIABILITIES.		ASSETS.	
Shareholders' capital paid up (if any)	£	Mortgages on property	£ s. d.
Assurance fund	-	Loans on the company's policies	-
Annuity fund (if any)	-	Investments:	-
Other funds, if any, to be specified	-	In British Government securities	-
		Indian and Colonial do.	-
		Foreign do.	-
		Railway and other debentures and debenture stocks	-
		Do. shares (preference and ordinary)	-
		House property	-
		Other investments (to be specified)	-
Total funds as per first schedule	£	Loans upon personal security	-
Claims admitted but not paid	-	Agents' balances	-
Other sums owing by the company (accounts to be specified)	-	Outstanding premiums	-
		Do. interest	-
		Cash:	-
		On deposit	£
		In hand and on current account	-
		Other assets (to be specified)	-
	£		£

THIRD SCHEDULE.

Account of Income and Expenditure of the

for the year ending -

(Date.)	(No. 1.) LIFE ASSURANCE ACCOUNT.	(Date.)	(No. 2.) FIRE ACCOUNT.	(No. 3.) PROFIT AND LOSS ACCOUNT.
Amount of life assurance fund at the beginning of the year			Amount of fire insurance fund at the beginning of the year	Balance of last year's account
Premiums, after deduction of re-assurance premiums			Premiums received, after deduction of re-assurances	Interest and dividends not carried to other accounts
Consideration for annuities granted			Other receipts to be specified	Profit realised (accounts to be specified)
Interest and dividends				Other receipts
Other receipts (accounts to be specified)				
	£		£	£

Note.—Companies having separate accounts for annuities to return the particulars of their annuity business in a separate statement.

(Date.)	(No. 4.) LIFE ASSURANCE ACCOUNT.	(Date.)	(No. 5.) FIRE ACCOUNT.	(No. 6.) PROFIT AND LOSS ACCOUNT.
Claims under life policies (after deduction of sums re-assured)			Losses by fire after deduction of re-assurances	Dividends and bonuses to shareholders
Surrenders			Expenses of management	Expenses not charged to other accounts
Annuities			Commission	Loss realised (accounts to be specified)
Commission			Other payments to be specified	Other payments
Expenses of management			Amount of fire insurance fund at the end of the year, as per Fourth Schedule	Balance as per Fourth Schedule
Other payments (accounts to be specified)				
Amount of life assurance fund at the end of the year, as per Fourth Schedule				
	£		£	£

Note.—When marine or any other branch of business is carried on, the income and expenditure thereof to be in like manner stated in a separate account.

Note.—This account is not required if the items have been incorporated in the other accounts of this schedule.

FOURTH SCHEDULE.

LIABILITIES.		£	s.	d.
Shareholders' capital	-	-	-	-
General reserve fund (if any)	-	-	-	-
Life assurance fund*	-	-	-	-
Annuity fund (if any)*	-	-	-	-
Fire fund	-	-	-	-
Marine fund	-	-	-	-
Profit and loss (if any)	-	-	-	-
Other funds, if any, to be specified	-	-	-	-
Claims under life policies admitted but not yet paid*	-	£	s.	d.
Outstanding fire losses	-	-	-	-
Do. marine do.	-	-	-	-
Other sums owing by the Company (accounts to be specified)	-	-	-	-
		£		

ASSETS.		£	s.	d.
Mortgages on property	-	-	-	-
Loans on the company's policies	-	-	-	-
Investments:				
In British Government securities	-	-	-	-
Indian and Colonial do.	-	-	-	-
Foreign do.	-	-	-	-
Railway and other debentures and debenture stocks	-	-	-	-
Do. shares (preference and ordinary)	-	-	-	-
House property	-	-	-	-
Other investments (to be specified)	-	-	-	-
Loans upon personal security	-	-	-	-
Agents' balances	-	-	-	-
Outstanding premiums	-	-	-	-
Do. interest	-	-	-	-
Cash:				
On deposit	-	-	-	£
In hand and on current account	-	-	-	-
Other assets (to be specified)	-	-	-	-
		£		

* If the life assurance fund is in accordance with clause 4. of this Act a separate trust fund for the sole security of the life policy holders, and separate balance sheet for the life branch, may be given in the form contained in Schedule 2. In other respects the company is to observe the above form.

FIFTH SCHEDULE.

A.D. 1870.

STATEMENT respecting the VALUATION of the LIABILITIES under LIFE POLICIES
and ANNUITIES of the _____, to be made by
the ACTUARY.

- 5 (The answers should be numbered to accord with the numbers of the
corresponding questions.)
1. The date up to which the valuation is made.
 2. The principles upon which the valuation and distribution of profits
among the policy holders are made, and whether these principles were
10 determined by the instrument constituting the company, or by its regulations
or byelaws, or otherwise.
 3. The table or tables of mortality used in the valuation.
 4. The rate or rates of interest assumed in the calculations.
 5. The proportion of the annual premium income, if any, reserved as a
15 provision for future expenses and profits. (If none, state how this provision
is made).
 6. The consolidated account of income and expenditure since the commence-
ment of the business in the case of a company established after the passing of
this Act, and since the last valuation in the case of other companies. (This
20 return should be made in the form annexed.)
 7. The liabilities of the company under life policies and annuities at the
date of the valuation, showing the number of policies, the amount assured, and
the amount of premiums payable annually under each class of policies, both
with and without participation in profits; and also the net liabilities and
25 assets of the company, with the amount of surplus or deficiency. (These
returns should be made in the forms annexed.)
 8. The time during which a policy must be in force in order to entitle it
to share in the profits.
 9. The results of the valuation, showing—
30 (1.) The total amount of profit made by the company.
(2.) The amount of profit divided among the policy holders, and the
number and amount of the policies which participated.
(3.) Specimens of bonuses allotted to policies for 100% effected at
the respective ages of 20, 30, 40, and 50, and having been in
35 force for 5 and 10 years respectively, together with the amounts
of the various modes in which the bonus might be received.

A.D. 1870.

(Form referred to under heading No. 6. in the Fifth Schedule.)

Consolidated Account of the Income and Expenditure of the _____ for _____ years
 commencing _____ and ending _____

£ s. d.		£ s. d.	
Amount of funds on _____ 18____, —the beginning of the period - - - - -		Claims under policies (after deduction of sums re-assured)	
Premiums (after deduction of re-assurance premiums)		Surrenders - - - - -	
Consideration for annuities granted - - - - -		Annuities - - - - -	
Interest and dividends - - - - -		Commission - - - - -	
Other receipts (accounts to be specified) - - - - -		Expenses of management - - - - -	
		Dividends and bonuses to shareholders (if any) - - - - -	
		Other payments (accounts to be specified) - - - - -	
		Amount of funds on _____ 18____, —the end of the period, as per first (or third) schedule - - - - -	
£		£	

(Form referred to under heading No. 7. in Fifth Schedule.)

SUMMARY and VALUATION of the POLICIES of the as at 18

[2.]

B 3

Description of Transactions.	Particulars of the Policies for Valuation.				VALUATION.			
	Number of policies.	Sums assured and bonuses.	Office yearly premiums.	Net yearly premiums, if ascertained.	Sums assured and bonuses.	Office yearly premiums.	Table, Interest	per cent. Net liability.
ASSURANCES.								
I. With participation in profits.								
For whole term of life - - - - -	-	-	-	-	-	-	-	-
Other classes (to be specified) - - - - -	-	-	-	-	-	-	-	-
Extra premiums payable - - - - -	-	-	-	-	-	-	-	-
Total Assurances with profits - - - - -	-	-	-	-	-	-	-	-
II. Without participation in profits.								
For whole term of life - - - - -	-	-	-	-	-	-	-	-
Other classes (to be specified) - - - - -	-	-	-	-	-	-	-	-
Extra premiums payable - - - - -	-	-	-	-	-	-	-	-
Total Assurances without profits - - - - -	-	-	-	-	-	-	-	-
Total assurances - - - - -	-	-	-	-	-	-	-	-
Deduct re-assurances - - - - -	-	-	-	-	-	-	-	-
Net amount of assurances - - - - -	-	-	-	-	-	-	-	-
Adjustments, if any - - - - -	-	-	-	-	-	-	-	-
ANNUITIES.								
Immediate - - - - -	-	-	-	-	-	-	-	-
Other classes (to be specified) - - - - -	-	-	-	-	-	-	-	-
Total of the results - - - - -	-	-	-	-	-	-	-	-

(FORM referred to under heading No. 7 in Fifth Schedule.)

VALUATION BALANCE SHEET of

as at

18

Dr.	Cr.
£ To net liability under Assurance and Annuity transactions (as per summary statement provided in schedule 5) - - - - - To surplus, if any - - - - -	£ By assets (as per balance sheet under schedule 2 or 4) - - - - - By deficiency, if any - - - - -

SIXTH SCHEDULE.

A.D. 1870.

STATEMENT of the LIFE ASSURANCE and ANNUITY BUSINESS of the
on the 18 .

(The answers should be numbered to accord with the numbers of the corresponding questions.)

1. The table or tables of premiums for assurances for the whole term of life which are in use at the date above mentioned.

2. The *total* amount assured on lives for the whole term of life, which are in existence at the date above mentioned, distinguishing the portions assured with and without profits, stating separately the total reversionary bonuses and specifying the sums assured for each year of life from the youngest to the oldest ages.

3. The amount of premiums receivable annually for each year of life in respect of the respective assurances mentioned under heading No. 2, distinguishing ordinary from extra premiums.

4. The *total* amount assured under classes of assurance business, other than for the whole term of life, distinguishing the sums assured under each class, and stating separately the amount assured with and without profits, and the total amount of reversionary bonuses.

5. The amount of premiums receivable annually in respect of each such special class of assurances mentioned under heading No. 4, distinguishing ordinary from extra premiums.

6. The total amount of premiums which has been received from the commencement upon all policies under each special class which are in force at the date above mentioned.

7. The *total* amount of immediate annuities on lives, distinguishing the amounts for each year of life.

8. The amount of all annuities other than those specified under heading No. 6, distinguishing the amount of annuities payable under each class, the amount of premiums annually receivable, and the amount of consideration money received in respect of each such class, and the total amount of premiums received from the commencement upon all deferred annuities.

9. The number and amount of claims experienced and paid by the company in each year during the period since the last valuation, and the corresponding number and amount of claims for each such year expected or estimated by the tables of mortality used at that valuation.

10. The average rate of interest realized on the total amount of the life assurance fund by the company in each year during the period since the last valuation, and the rate of interest assumed in that valuation.

11. The amount of expenditure for management, including commission, incurred by the company in each year during the period since the last valuation, the per-centage of such expenditure upon the net premium income for each such year, and the per-centage upon the net annual premium income provided at that valuation for such expenditure.

Life Assurance Companies.

A

B I L L

To amend the law relating to Life
Assurance Companies.

(Prepared and brought in by
Mr. Stephen Cave, Sir Thomas Bazley, and
Mr. Russell Gurney.)

*Ordered, by The House of Commons, to be Printed,
9 February 1870.*

[Bill 2.]

Under 2 oz.

419

LORDS AMENDMENTS

TO

THE LIFE ASSURANCE COMPANIES BILL.

*Note.—The page and line refer to the Bill (190.) as first printed
by the Lords.*

Page 1.

Line 9, leave out (“incorporate”) and insert (“unincorporate”)

Line 10, leave out (“grant”) and insert (“issue”)

Line 11, leave out (“or annuities”)

Line 12, after (“Kingdom”) insert (“or who grant annuities
“upon human life within the United Kingdom”)

Line 24 } after (“registered”) insert (“or having its head
Line 26 } “office”)
Line 27 }

Page 2.

Line 4, after (“Act”) insert (“within the United Kingdom,
“and every company established or to be established out of
“the United Kingdom which shall after the passing of this
“Act commence to carry on the business of Life Assurance
“within the United Kingdom”)

Line 11, leave out (“complete registration”) and insert
 (“incorporation”)

Line 16, leave out from (“assurance”) to (“shall”) in
line 20, and insert (“a separate account shall be kept of all
“receipts in respect of the life assurance and annuity
“contracts of the company, and the said receipts shall be
“carried to and form a separate fund to be called the life
“assurance fund of the company, and such fund”)

Line 22, after (“assurance”) insert (“and shall not be liable
“for any contracts of the company for which it would not
“have been liable had the business of the company been
“only that of life assurance”)

Line 27, leave out from (“exists”) to the end of the Clause.

[Bill 250.]

A

- Line 31, before ("every") insert ("from and after the passing
" of this Act") and leave out ("once in every year")
- Line 32, leave out the first ("its") and insert ("each"), and
" after ("year") insert ("of such company")
- Lines 32 and 33, leave out ("income and expenditure during")
and insert ("revenue account for")
- Line 33, after the second ("such") insert ("year")
- Line 38, after ("each") insert ("such")
- Line 39, after ("year") insert ("as aforesaid")
- Lines 39 and 40, leave out ("income and expenditure during")
and insert ("revenue account for")

Page 3.

- Line 9, leave out from ("shall") to ("and") in line 11, and
insert ("on or before the thirty-first day of December one
" thousand eight hundred and seventy-two")
- Line 12, leave out ("six") and insert ("nine")
- Line 13, leave out from ("condition") to ("prepare") in
line 14.

After clause 8 add ("Provided as follows :

- (1.) If the next financial investigation after the passing of this
Act of any company fall during the year one thousand
eight hundred and seventy-three, the said statement of
such company shall be prepared within nine months after
the date of such investigation, instead of on or before
the thirty-first day of December one thousand eight
hundred and seventy-two :
- (2.) If such investigation be made annually by any company,
such company may prepare such statement at any time,
so that it be made at least once in every three years.

The expression date of each such investigation in this section shall
mean the date to which the accounts of each company are made up
for the purposes of each such investigation.")

Line 31, leave out ("six") and insert ("nine")

Line 33, after ("statement") insert ("so deposited after the
" next investigation")

Leave out Clauses 14 and 15, and insert Clause A.

Amalga-
mation or
transfer.

CLAUSE A. Where it is intended to amalgamate two or more
companies, or to transfer the life assurance business of one company
to another, the directors of any one or more of such companies may
apply to the Court, by petition, to sanction the proposed arrange-
ment, notice of such application being published in the Gazette,
and the Court, after hearing the directors and other persons whom

it considers entitled to be heard upon the petition, may confirm the same if it is satisfied that no sufficient objection to the arrangement has been established.

Before any such application is made to the Court a statement of the nature of the amalgamation or transfer, as the case may be, together with an abstract containing the material facts embodied in the agreement or deed under which such amalgamation or transfer is proposed to be effected, and copies of the actuarial or other reports upon which such agreement or deed is founded, shall be forwarded to each policy holder of both companies in case of amalgamation, or to each policy holder of the transferred company in case of transfer, by the same being transmitted in manner provided by section one hundred and thirty-five of The Companies Clauses Consolidation Act, 1845, for the transmission to shareholders of notices not requiring to be served personally; and the agreement or deed under which such amalgamation or transfer is effected shall be open for the inspection of the policy holders and shareholders at the office or offices of the company or companies for a period of fifteen days after the issuing of the abstract herein provided.

The Court shall not sanction any amalgamation or transfer in any case in which it appears to the Court that policy holders representing one tenth or more of the total amount assured in any company which it is proposed to amalgamate, or in any company the business of which it is proposed to transfer, dissent from such amalgamation or transfer.

No company shall amalgamate with another, or transfer its business to another, unless such amalgamation or transfer is confirmed by the Court in accordance with this section.

Provided always, that this section shall not apply in any case in which the business of any company which is sought to be amalgamated or transferred does not comprise the business of life assurance.

Page 7.

Lines 4 and 5, leave out ("by whom the last premium on such policy was paid") and insert ("to whom notices respecting such policy are usually sent")

FIRST SCHEDULE.

Line 2, leave out ("account of the income and expenditure") and insert ("revenue account")

[250.]

A 2

Lines 6 and 7, leave out (“ (after deduction of re-assurance premiums) ”)

Line 16, before (“ companies ”) insert (“ Note 1.”), and leave out (“ schedule ”) and insert (“ statement ”), and also insert (“ Note 2. Items in this and the accounts in the third and fifth schedules should be the net amounts after deduction of the amounts paid and received in respect of re-assurances.”)

SECOND SCHEDULE.

At the foot of the schedule add (“ Note.—These items are included in the corresponding items in the first schedule.”)

THIRD SCHEDULE.

Line 2, leave out (“ account of income and expenditure ”) and insert (“ revenue accounts ”)

FOURTH SCHEDULE.

Line 5, after (“ property ”) insert (“ within the United Kingdom ”), and add in a following line (“ Do. do. out of the United Kingdom ”)

Line 27, leave out (“ and ”) and insert (“ a ”)

Line 28, at the end of the note add (“ see also note to second schedule ”)

FIFTH SCHEDULE.

Page 12.

Line 17, leave out (“ account of income and expenditure ”) and insert (“ revenue account ”)

Lines 18 and 19, leave out (“ in the case of a company established after the passing of this Act and ”) and insert (“ or ”)

Line 19, leave out (“ in the case of other companies ”)

Page 13.

Line 2, leave out (“ account of the income and expenditure ”) and insert (“ revenue account ”)

Page 14.

Line 30, leave out (“ permanent ”) and insert (“ minimum ”), and at the end of the note add (“ if policies are issued in
“ or for any country at rates of premium deduced from tables
“ other than the European mortality tables adopted by the
“ company, separate schedules similar in form to the above
“ must be furnished ”)

Page 15.

Line 5, leave out (" assets ") and insert (" life assurance and
" annuity funds ")

SIXTH SCHEDULE.

Page 16.

Line 5, after (" questions ") insert (" statements of re-assurances
" corresponding to the statements in respect of assurances
" under headings 2, 3, 4, 5, and 6, are to be given ")

Line 6, after first (" The ") insert (" published ")

Line 30, leave out (" 6 ") and insert (" 7 ")

Leave out sub-section 9.

Line 40, leave out from (interest") to the end of the sub-
section and insert (" at which the life assurance fund of the
" Company was invested at the close of each year, during the
" period since the last investigation ")

Page 17.

Leave out sub-section 11.

Line 7, after (" values ") insert (" if any ")

Line 11, at the end of the schedule add (" separate statements
" to be furnished for business at other than European rates ")

LORDS AMENDMENTS

TO

THE LIFE ASSURANCE COM-
PANIES BILL.

*Ordered, by The House of Commons, to be Printed,
28 July 1870.*

[Bill 250.]

Under 1 oz.

475

Life at Sea.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Construction of Act.
 3. Survey of unclassified ships.
 4. Ascertainment of load line.
 5. Judicial survey of damaged ships.
-

A

B I L L

TO

Provide for the greater Security of Life at Sea.

A.D. 1870.

WHEREAS it is expedient to provide for the greater security of life at sea :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Survey of Shipping Act, 1870." Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same ; and the said Merchant Shipping Act and amending Acts are together herein-after referred to as "the principal Act." Construction of Act.

3. The provisions of the principal Act for the survey of passenger steamers shall extend and apply to all British sailing ships and steam ships not being passenger ships or passenger steamers, nor classed by Lloyd's register of shipping or by the Liverpool underwriter's registry for iron vessels, subject to the modifications following ; that is to say, Survey of unclassed ships.

(1.) A certificate issued by the Board of Trade upon a survey shall be in force for *twelve months*, unless a shorter time be expressed in the certificate.

(2.) For the purposes of this Act expressions in the said provisions of the principal Act referring to number of and accommodation for passengers shall be construed as if they referred to quantity of and capacity to carry cargo of the description which the ship is intended to carry ; and expressions referring to cabins, to plying with passengers, and to having passengers on board, shall respectively be construed as if they referred to the hold, and to plying with cargo, and to having cargo on board ; and the penalty

[Bill 127.]

A

A.D. 1870.

for receiving or carrying cargo in excess of the quantity allowed by the certificate shall be twenty pounds, and a further amount not exceeding twenty shillings for every ton of cargo so in excess.

- (3.) A declaration of an engineer surveyor shall not be required 5
in the case of a sailing ship, and the declaration of the shipwright surveyor shall be sufficient if it include the following matters; that is to say,

That the hull, masts, and rigging are in good condition for the service intended; 10

That the boats, lights, and compasses are sufficient for the service intended;

The time, if less than *twelve months*, for which the hull and equipments will in the surveyor's judgment be sufficient; 15

The limits (if any) beyond which, as regards the hull and equipments, the ship is in the surveyor's judgment unfit to ply; and

The quantity of cargo which the ship is fit to carry, having regard to the nature of the cargo and of the voyage. 20

- (4.) The certificate to be granted by the Board of Trade shall, in case the declaration of the shipwright or engineer surveyor fixes a time less than twelve months during which the hull and equipments will be sufficient, specify such time as the time at which the certificate shall expire. 25

- (5.) The fees to be paid by the owner of a ship requiring a certificate in pursuance of the provisions of this Act shall be such fees as the Board of Trade may from time to time direct, not exceeding *one half* of the fees which might be charged for the survey of a passenger steamer of the like 30 tonnage, and if any surveyor demand or receive any fee, remuneration, or gratuity for or in respect of any survey to be made in pursuance of this Act otherwise than as the officer and by direction of the Board of Trade, he shall be guilty of a misdemeanor, and upon conviction shall be 35 liable to be imprisoned with hard labour for any time not exceeding *two years*.

Ascertain-
ment of load
line.

4. The following provisions shall have effect for the ascertainment of the proper load line of ships; that is to say,

- (1.) No ship shall hereafter be registered as a British ship unless 40
upon production to the registrar of a certificate signed by the authority herein-after mentioned, stating the proper

A.D. 1870.

line of maximum immersion of the ship in salt water (herein-after referred to as the load line), and that the same has been duly marked on the ship as herein-after prescribed; particulars of which certificate the registrar shall enter in the register book and in the certificate of registry.

(2.) The authority for the purpose of determining the load line shall, in the case of a British-built ship, consist of the builder, the surveyor appointed by the Board of Trade for the place of building, together with, in the case of a ship built under the inspection of Lloyd's register of shipping or of the Liverpool underwriter's registry for iron vessels, the surveyor to Lloyd's register of shipping or the surveyor to the Liverpool underwriter's registry of iron vessels, as the case may be; and in the case of a foreign-built ship, if the port of registry be in the United Kingdom, shall consist of the surveyor appointed by the Board of Trade for such port with one of such other surveyors as are above mentioned, but if the port of registry be not in the United Kingdom then of a surveyor to be appointed for the purpose by the registrar of the port of registry.

(3.) In case a difference arises between the persons by whom the load line of a ship is to be determined the judge of the local Court of Admiralty having jurisdiction in the place where the matter arises shall, upon the application of any person interested in the ship, appoint one of the nautical assessors of the court, or some other fit person, whose decision shall be final, subject only to such appeal to the Board of Trade as is herein-after mentioned.

(4.) The load line shall be marked on the ship,—

1. By cutting in a conspicuous position on the combing of the main hatchway, in legible figures or letters at least one inch long, the maximum proper immersion amidships, the maximum proper immersion by the head, and the maximum proper immersion by the stern :

2. By painting on the outside of the hull, either along the whole length of the load line on each side or along the load line on each side for a length of not less than *four* feet at the bows, a length of not less than *four* feet at the stern, and a length of not less than *four* feet amidships, a band of white or yellow not less than *six* inches broad, bordered with black for a width on each side of not less than *three* inches, or a band of black not

A.D. 1870.

less than *six* inches broad bordered with white or yellow for a width on each side of not less than *three* inches, in such manner that the centre of such band shall throughout every part of its length correspond with the load line.

- (5.) There shall be payable for a certificate to be granted under this section such fees and to such persons as the Board of Trade may from time to time determine, and if any person demand or receive any greater or other fee, gratuity, or remuneration in respect of any such certificate he shall be guilty of a misdemeanor, and shall be liable upon conviction to be imprisoned with hard labour for any time not exceeding *two years*.
- (6.) The Board of Trade may at any time, if they think fit, direct a new survey to be made by a person or persons appointed by them of any ship the load line of which has been determined under the provisions of this Act, and may require the load line to be altered and the marks on the ship, the register, and the certificate of registry to be altered accordingly.
- Such an alteration of a certificate may be made by endorsement by any officer of the Board of Trade, who shall subscribe his name to the endorsement and send a report of the alteration to the registrar of the ship's port of registry.
- (7.) If any master or owner, after notice that his certificate of registry is required to be altered as aforesaid, use such certificate without such alteration being made, he shall be liable to all the same penalties as a master or owner using a certificate not legally granted.
- (8.) Where upon such periodical survey of an unclassified ship the load line of which has been determined under the provisions of this Act as is by this Act directed to be made, it appears to the shipwright and engineer surveyor by whom the survey is made, or either of them, that the load line of such ship ought to be altered, such surveyors or surveyor shall include in their or his declarations or declaration a statement of their opinion, and the Board of Trade may, if they think fit, suspend the issue of their certificate until a new survey has been made and until any necessary alterations have been made.
- (9.) Any person aggrieved by the determination of any such authority as aforesaid as to a load line may appeal to the

A.D. 1870.
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Board of Trade, who may upon such inquiry, if any, as they think fit, confirm or vary the determination of such authority, and may, if they vary such determination, grant a certificate accordingly, which shall have the same effect as a certificate of such authority.

(10.) If any owner or master of a ship remove or alter, or suffer to be removed or altered, any mark indicating the load line of such ship, unless in any case of necessity for the preservation, examination, or repair of the ship, or when any such mark has been altered, removed, or obliterated by any means or for any reason, does not as soon as may be cause such mark to be restored, or who sends or takes to sea any ship immersed above her load line, or who forges or alters any entry or description of a load line in a certificate of registry or other document, shall be guilty of a misdemeanor, and upon conviction shall be liable to be imprisoned with hard labour for any time not exceeding *two years*.

(11.) The Board of Trade may, if they think fit, refuse the issue of a certificate to any such unclassified vessels as are hereinbefore in this Act directed to be periodically surveyed until the load line of such vessels has been determined; and the owner of any ship registered as a British ship before the passing of this Act may, if he thinks fit, have the load line of such ship determined according to the provisions of this Act.

Every British vessel employed in carrying coals, coke, or culm to or from any British port, shall have her load line ascertained in the manner provided by this Act, and the owner and the master of any such vessel sending, taking, or permitting her to be sent or taken to sea after the *first day of October one thousand eight hundred and seventy*, laden with coals, coke, or culm, without her load line having been so ascertained, shall be liable on summary conviction to a penalty of *fifty pounds* for every such offence.

(12.) No person shall be subject after the *first day of October* aforesaid to any penalty for refusing to sail or serve on board any vessel immersed above her load line, or on board any vessel the load line of which is by this Act required to be ascertained, and the load line of which has not been so ascertained.

A.D. 1870.

(13.) When it appears to any harbour master, officer of the coast guard or customs, receiver of wreck, or officer of the Board of Trade, that any vessel, the load line of which has been ascertained under the provisions of this Act, is loaded so that she is immersed above any part of her load line 5 (after making such allowance, if any, as may be due to her being at the time in fresh water), it shall be the duty of such harbour master, officer, or receiver to detain such vessel until her load has been lightened or shifted so far as may be necessary; and any such harbour master, officer, or 10 receiver may for the purposes of this section board and detain any such vessel by force, if need be, and he and all persons acting by his directions are hereby indemnified against all claims of all persons whatsoever in respect of anything done in pursuance of this section. 15

Judicial
survey of
damaged
ships.

5. Where any ship, whether British or foreign, arrives or is found at any place within Her Majesty's dominions in distress or being or alleged to be unseaworthy, the master or any person interested in the ship, cargo, or freight, or any two or more of the passengers or of the crew, may apply to such Court as is herein-after mentioned 20 for a judicial survey of the ship, and such Court shall, if satisfied there is reasonable ground for such survey, appoint a competent surveyor or surveyors to survey the ship, and to report to such Court whether the ship is seaworthy or unseaworthy, or capable or incapable of being prudently repaired, and may cause the ship to 25 be arrested and detained for the purposes of the survey.

Upon the receipt of such report and upon such further evidence, if any, as the Court thinks fit to require, the Court, if satisfied that the ship is seaworthy or capable of being prudently repaired, shall give a certificate accordingly to any person interested in the ship, 30 cargo, or freight, as owner, underwriter, or otherwise, and applying for such certificate; but if the Court is satisfied that the ship is unseaworthy, but is capable of being repaired, the Court may issue a warrant, by virtue whereof it shall be lawful for any officer of customs or of the coast guard, receiver of wreck, harbour master, or 35 other person named in the warrant to arrest and detain the ship until a certificate shall have been issued by the Court to the effect that the ship has been made seaworthy to the satisfaction of a surveyor to be named by the Court.

If the Court is satisfied upon such report and evidence that the 40 ship is unseaworthy and incapable of being prudently repaired, the

Court shall grant a certificate to that effect to the master, or any other person interested in the ship, cargo, or freight, and making application for such certificate. A.D. 1870.

Any certificate granted in pursuance of this section, and pur-
5 porting to be signed by the judge of a court having jurisdiction
under the provisions of this section, shall be evidence of the matters
stated therein, and any such certificate to the effect that a ship is
unseaworthy and is incapable of being prudently repaired shall be
sufficient authority to the master to sell or abandon the ship, and
10 shall in the absence of proof of fraud be conclusive in any British
Court against all persons as to the propriety of such sale or
abandonment.

A Court granting a certificate in pursuance of this section may at
the same time make an order for all costs and expenses incurred in
15 giving effect to the provisions of this section, and payment of the
amount of such costs and expenses may be enforced against the
ship, cargo, and freight by any process of the Court, and shall be
payable in priority to all other claims whatsoever.

The Court for the purposes of this section shall mean in the
20 United Kingdom the local Court having Admiralty jurisdiction at
the place where the ship arrives or is found, and elsewhere in Her
Majesty's dominions, the Vice-Admiralty Court, or other Court
exercising Admiralty jurisdiction at the place where the ship arrives
or is found.

Life at Sea.

A

B I L L

To provide for the greater Security of
Life at Sea.

(*Prepared and brought in by*
Mr. Plimsoll and Mr. Wheelhouse.)

Ordered, by The House of Commons, to be Printed,
13 May 1870.

[Bill 127.]

Under 2 oz.

A
B I L L

[AS AMENDED IN COMMITTEE]

FOR

Establishing a District Registrar of the High Court of
Admiralty in England at Liverpool.

A.D. 1870.
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WHEREAS a large proportion of the entire business now transacted in each year before the High Court of Admiralty of England consists of suits arising from the port of Liverpool :

And whereas it would tend to increase the despatch and to lessen the expense of Admiralty suits if registries of the said High Court of Admiralty were established at Liverpool :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Liverpool Admiralty District Registrar's Act, 1870.

Short title.

2. There shall be established in Liverpool a registry of the High Court of Admiralty, and it shall be lawful for Her Majesty from time to time by Order in Council to fix the limits of such registry.

Registries of Court of Admiralty may be established by Order in Council.

3. There shall be a registrar for such district, and such clerks and other officers as the judge, with the concurrence of the Commissioners of Her Majesty's Treasury, shall consider necessary, but no such registrar or clerk shall be entitled to claim any compensation in case his office shall at any time be abolished.

Registrar, clerks, and officers.

4. The Liverpool district registrar shall be appointed by the judge of the High Court of Admiralty, subject to the approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland for the time being, or of the Lords Commissioners for executing the office of Lord High Admiral, as the case may be.

Registrar to be appointed by judge.

5. The Liverpool district registrar shall hold his office during good behaviour.

To hold office during good behaviour.

[Bill 164.]

A

A.D. 1870.

Qualification
of registrar.

6. No person shall be appointed Liverpool district registrar unless he shall have been in practice as an advocate or barrister, proctor, attorney, or solicitor for a period of ten years.

Registrar
not to
practise as
attorney in
his district.

7. It shall not be lawful for the Liverpool district registrar, during the time he shall hold and exercise his office, either directly or indirectly by himself, his partners, clerk, or other person, to practise in his district of the said court, either as attorney originally retained or as agent for any other attorney, nor to participate in any costs payable to any attorney in respect of any such matters; and the Liverpool district registrar being proved to the satisfaction of the said judge of the Court of Admiralty to have so practised, or to have participated in any costs as aforesaid, contrary to the meaning and intent of this Act, shall be deemed to have committed and shall be punishable as and for a contempt of court, and shall be liable to dismissal from his office.

Powers of
registrar.

8. The Liverpool district registrar shall have and exercise, in respect of any matter in his registry, all powers held or exercised by the registrar of the High Court of Admiralty of England, by virtue of this or of any former Act or rule.

To have
power to
hear suits
for wages or
salvage.

9. The Liverpool district registrar, in respect of matters in his registry, shall have power to hear and determine all such suits of wages or salvage such as are now within the summary jurisdiction of two justices of the peace, and may, with the consent of all parties to any suit, adjourn the hearing of any suit or reference to any port or place within his district, where his so doing would be more convenient to the parties, or would further the ends of justice. Any additional expense to be thereby occasioned, unless otherwise ordered, to be deemed part of the costs in the cause.

Where suits
to be insti-
tuted.

10. Any suit may be instituted,—

1. In the Liverpool district registry when the ship or property the subject of the suit is at the time of the institution of the suit within the district of such registry :
2. Or when the owner or owners of the ship or property, or the owner or owners of the larger number of shares in the ship, or the managing owner, or ship's husband, reside at the time of the institution of the suit within the district of such registry :
3. Or when the port of registry of the ship is within the district of such registry :
4. Or when the parties so agree by a memorandum signed by them or their attorneys or agents :

Provided always, that when a suit has been instituted in the Liverpool district registry, no further suit shall be instituted against the same property in the principal registry without leave of the judge, and subject to such terms as to costs and otherwise as he may direct.

A.D. 1870.

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5 **11.** The Liverpool district registrar shall have power to hear and determine when pending in his registry any of the following claims ; that is to say,

What claims
registrar
may deter-
mine.

10 1. Any claim for damage, towage, or necessities supplied to any ship where the sum claimed does not exceed three hundred pounds :

15 2. Any claim or dispute arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, or between the owners and any master, officer, seaman, or other person employed on board any ship or otherwise, and also any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed three hundred pounds :

20 3. Any such claim or dispute, the amount whereof exceeds the limit above mentioned, subject to the consent of the parties signified by a memorandum in writing signed by them or by their attorneys or agents.

25 **12.** An appeal may be made to the High Court of Admiralty of England from a final decree or order of the Liverpool District registrar, and by permission of the Liverpool district registrar or of the judge from any interlocutory degree or order therein, on security for costs being first given, and subject to such other provision as general orders shall direct. Appeal.

30 **13.** On the trial of any Admiralty cause subsisting in the Liverpool district registry, before the registrar of such district, it shall be lawful for such registrar, if he shall think fit, and he shall, upon the request of either party, summon to his assistance, in such manner as general orders shall direct, two nautical assessors, and such nautical assessors shall attend and assist accordingly.

Registrar
may summon
nautical
assessors.

35 **14.** The Liverpool district registrar shall from time to time frame a list of persons of nautical skill and experience, residing or having places of business within the district, to act as assessors in that district, to be approved by the Lord Chancellor for the time being, before whom the same shall be laid by the Liverpool district registrar, and without whose approval it shall have no validity, and shall cause the list, when so approved, to be published in the "London Gazette," and in at least one Liverpool newspaper.

List of per-
sons qualified
to act as
nautical
assessors to
be published
in London
Gazette.

A.D. 1870.

Removal of
suits or
appeal.

15. Any party to a suit or to an appeal at any stage of such suit or appeal may, by the leave of the Court and subject to such terms as to costs or otherwise as the Court may direct, remove any such suit instituted or any such appeal pending in the principal registry to the Liverpool district registry, and any suit instituted or 5 appeal pending in the Liverpool district registry to the principal registry.

Scale of
costs to be
prescribed.

16. A scale of costs and charges in Admiralty causes in the Liverpool district registry, and of fees to be taken by the Liverpool district registrars, shall be prescribed by general orders. 10

Application
of fees.

17. All fees received in the Liverpool district registry shall be applied in the first instance in the payment of such office expenses and salaries of the clerks employed therein, and in payment to the registrar of such remuneration in lieu of salary as may be determined by general orders; and all such fees shall be accounted for 15 by the Liverpool district registrar, and the surplus, if any, paid over by him to the Commissioners of Her Majesty's Treasury at such period and in such manner as the Commissioners may direct.

General
orders for
regulating
practice, &c.
to be made;

18. General orders shall be from time to time made under this Act for the purposes in this Act directed, and for regulating the 20 practice and procedure in the Liverpool district registry, the duties of the registrar and officers thereof, and the fees to be taken therein.

By whom to
be made.

19. General orders under this Act shall be made by the Lord Chancellor, with the advice and assistance of the judge of the High 25 Court of Admiralty of England, subject to the approval of Her Majesty's Treasury, in all matters relating to the number of officers of or persons employed in the Liverpool district registry, their salaries or emoluments, and to the scale of fees to be taken at the said registry.

If salaries
paid out of
annual Par-
liamentary
votes, the
fees shall be
collected by
means of
stamps.

20. *If at any time such salaries or emoluments are paid out of moneys provided by Parliament, the Lord Chancellor and the said Commissioners may direct that the fees shall be collected by means of stamps, under the provisions of the Public Offices Fees Act, 1866.* 30



Liverpool Admiralty District Registrar.

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BILL

[AS AMENDED IN COMMITTEE]

For establishing District Registrars of
the High Court of Admiralty in
England.

*(Prepared and brought in by
Mr. Graves, Viscount Sandon, and
Mr. Rathbone.)*

*Ordered, by The House of Commons, to be Printed,
15 June 1870.*

[Bill 164.]

Under 1 oz.

A

B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Blackpool, Bristol, Eton, Heckmondwike, Kidderminster, Lincoln, Nottingham, Plymouth, South Molton, Wallasey, and Ware; and for other purposes relative to certain districts under the said Act. A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the schedule
 5 to this Act annexed; and it is provided by the aforesaid Local Government Act that no such orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said orders should be so confirmed, and other provisions made with respect to certain districts under the Local
 10 Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

15 **1.** The Provisional Orders contained in the schedule hereunto annexed shall, from and after *the passing of this Act*, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act. Provisional Orders in schedule confirmed.

2. Whereas the local board of Bangor in the county of Carnarvon is the only public body in the district of the nature of a board of local improvement commissioners or trustees: And whereas it is the wish of an inhabitant of the said district to give for the public use of the inhabitants of the district a museum and library collected by him: And whereas the said local board
 20 has no power by law to accept such museum and library, and to provide for the preservation, extension, and management thereof out of the rates levied by such board, and to exercise the other Giving the local board of Bangor the powers of a board for the purposes of the Public Libraries Act, 1855.

[Bill 153.]

A

A.D. 1870. powers conferred by the Public Libraries Act, 1855, on a board acting in execution of the said Act: And whereas it is desirable that the said local board should have the powers and duties of a board of improvement commissioners or trustees under the said Act: Be it therefore enacted, That the said local board shall have and 5 exercise all the powers and duties conferred by the said Act on boards acting in execution thereof, and that the expenses of executing the said Act in the said district shall be defrayed out of the rates levied under the said Local Government Act.

Transfer of maintenance, &c. of part of a turnpike road in the district of the Chatham local board by the turnpike trustees to the local board.

3. Whereas a negociation has been entered into between the 10 commissioners acting in the execution of an Act of ninth George the Third, chapter thirty-two, and the local board of health for the district of Chatham Extra in the county of Kent, for the transfer, upon the terms herein-after appearing, by the said commissioners, to the said board, of the duty of maintaining, repairing, cleansing, and 15 watering such portion as lies within the said district of the road constructed under the said Act from Star Lane to the turnpike road on Chatham Hill, together with the ownership and property of and in such portion as aforesaid of the said road, and of and in the toll house and turnpike gate which stand toward the Chatham 20 Hill end of the said road, and of and in the site of the said toll house, together with the tolls payable under the said Act at the said turnpike gate, and so that the said toll house, gate, and tolls shall be held by the said board clear of all mortgage debts now charged on the said tolls, and shall be dealt with and disposed of by the said 25 board as they may deem fit: And whereas the said proposed transfer will be beneficial to the mortgagees of the said tolls and also to the said turnpike trust, by reason that the rent of the tolls received at the said turnpike gate is insufficient to keep in repair such portion as aforesaid of the said road; but doubts are entertained whether the 30 powers contained in the Local Government Act, 1858, are sufficient to enable the said commissioners and board wholly to carry into effect the said proposed transfer: Be it therefore enacted, that after the passing of this Act it shall be lawful for the commissioners for the time being acting in the execution of the said Act of ninth 35 George the Third, chapter thirty-two, in consideration of the acceptance and undertaking of such duty by the said board, to hand over and transfer by deed to the said board the duty of the maintenance, repair, cleansing, and watering of such portion of the said road as lies within the district of Chatham Extra, and in like manner to 40 grant and convey the said toll house and turnpike gate which now stands towards the Chatham Hill end of the road aforesaid, together with the fee simple and inheritance of such portion

A.D. 1870.

as aforesaid of the said road and of the site of the said toll house, with the appurtenances, and, together with the tolls thereafter receivable at the said turnpike gate, unto the said local board and their successors, to be held by them absolutely
5 for the purposes of the Public Health Act, free from the provisions of the said Act of the ninth year of the reign of George the Third, and from all other Acts having relation to turnpike trusts, and from all principal moneys and interest then remaining charged upon the said tolls, and, upon the execution by the said board of such deed
10 or deeds of transfer and grant, to pay to the said board, out of the money for the time being in the hands of the said commissioners, the sum of one hundred and fifty pounds; and that it shall be lawful for the said board, in consideration of such transfer and grant, and of such payment as aforesaid, to accept and undertake the maintenance,
15 repair, cleansing, and watering of such portion as aforesaid of the said road, and that upon the execution by both the said parties of such deed or deeds of transfer and grant the said board shall thenceforth maintain, repair, cleanse, and water that portion so transferred to them of the said road, and shall have full power either to continue
20 the said present toll house and turnpike gate, or to remove and re-erect the same on any other part of the said portion of road, and by their collector or by their lessee to collect and receive at such present or new gate such tolls as they may think fit, not exceeding in amount the tolls payable at the said present gate under the Act
25 of George the Third, or at any time wholly to remove and abolish the said present or such new turnpike gate, and put an end to the tolls payable thereat, and shall also have such and the like powers of distress and sale for levying any such tolls as aforesaid as by the said Act of George the Third are vested in the said commissioners for
30 the purpose of levying the tolls payable by virtue thereof, and shall have power to demise any such tolls, toll house, and gate for any term, and at any rent or rents, and shall have full power to pull down any such toll house, and to dispose of the materials, or to sell the same toll house and the site thereof, on such terms as they shall
35 think fit: Provided always, that no such deed as is hereby authorised shall have any operation unless executed by not less than fifteen of the said commissioners and by the said board, nor unless or until the consent in writing of at least two thirds in value of the persons entitled to the principal mortgage debt of eight thousand
40 pounds or other the principal sum or sums now due on the credit of the tolls payable under the said Act of ninth George the Third or, so far as any such persons shall be under incapacity, of his or their guardians, parents, committees, or trustees, shall be obtained thereto.

A.D. 1870.

Power to the
local board
of Kidder-
minster to
impose
penalties for
obstructing
or fouling
the river
Stour, or
erecting
buildings
in, upon, or
over the
river.

4. Whereas the town council acting as the local board for the borough of Kidderminster in the county of Worcester have no power under any Act administered by them to impose penalties for the obstruction and fouling the river and other waters in their district by the throwing of ashes, stones, dung, and other rubbish 5 into the river, and the erection of buildings so that the refuse therefrom falls into the said river and waters : And whereas it is desirable that the said town council should be empowered to prevent such obstruction and fouling : Be it therefore enacted, that if any person shall throw any ashes, cinders, stones, dirt, dust, mud, dung, rubbish, 10 or other filth whatsoever into any part of the river Stour, or of the mill pond of the mill called Caldwell Mill or the Back Brook running therefrom, or from the watercourse called Daddle Brook, within the district of the local board of the borough of Kidderminster in the county of Worcester, or put or place the same so near 15 thereto as to fall therein, or erect or place any building in, upon, or over any part of the said river or brook, every such person or persons offending in any of the cases aforesaid shall for every such offence forfeit and pay any sum not exceeding *five pounds*, and a further sum not exceeding *five shillings* for each and every 20 day any building so erected shall continue.

Change of
name of
" District
and local
board of
Monks Cop-
penhall " to
" District
and local
board of
Crewe."

5. Whereas in the township of Monks Coppenhall in the county of Chester the provisions of the Local Government Act, 1858, were duly adopted, and a local board duly constituted for the said township by the name of the Monks Coppenhall Local Board : And 25 whereas the said township forms part of the town of Crewe, and is usually and commonly known as the town of Crewe : And whereas the local board for the said district have adopted the name of the Crewe Local Board in lieu of the name of the Monks Coppenhall Local Board, but doubts are entertained whether such change of 30 name is legal without the authority of Parliament : Be it therefore enacted, that the said district shall henceforth be styled "*the Crewe Local Board District*," and the local board thereof the "*Crewe Local Board*," and all contracts heretofore entered into and all liabilities incurred by and all transactions or proceedings by or on 35 behalf of or in relation to the said local board and district by the name of the Crew Local Board, shall, to all interests and purposes, be as valid and effectual as if the same had been in the name of the Monks Coppenhall Local Board or district.

Act incor-
porated with
21 & 22 Vict.
c. 98.

6. This Act shall be deemed to be incorporated with the Local 40 Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

7. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1870." A.D. 1870.
Short title.

5 SCHEDULE of Provisional Orders referred to in the
preceding Bill.

1. BLACKPOOL.—Alteration of Order in Council applying the Public Health Act, 1848, to the district.
- 10 2. BRISTOL.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
3. ETON.— Do. do.
4. ETON.—Extension of borrowing powers.
5. HECKMONDWIKE.—Alteration of Order in Council applying the Public Health Act, 1848, to the district.
- 15 6. KIDDERMINSTER.—Repeal of Local Act.
7. LINCOLN.—Alteration of Local Act.
8. NOTTINGHAM.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of Lands otherwise than by agreement.
9. PLYMOUTH.— Do. do.
- 20 10. SOUTH MOLTON.—Alteration and partial repeal of Local Act.
11. WALLASEY.— Do. do.
12. WARE.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.

A.D. 1870.

BLACKPOOL.

Provisional Order for altering the Order in Council, applying the Public Health Act, 1848, to the District of Blackpool in the County of Lancaster.

WHEREAS by an Order of Her most Gracious Majesty in Council, bearing 5
date the 23rd day of October 1851, made under the provisions of the Public
Health Act, 1848, the said Public Health Act was duly applied to the district
of Blackpool in the county of Lancaster:

And whereas by such Order as aforesaid, the number of members of the
Local Board of Health to be elected under the aforesaid Public Health Act 10
was fixed at nine, the entire number to be elected for the whole of such
district:

And whereas the Local Board of Health for the said district of Blackpool
have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented
a petition to one of Her Majesty's Principal Secretaries of State, praying for 15
the alteration of the aforesaid Order, in so far as such Order relates to the
number of members to constitute the Local Board of Health for such district:

And whereas, in pursuance of the said Local Government Act, inquiry
has been directed in the said district in respect of the matters mentioned in the
said petition: 20

And whereas it appears expedient to issue a Provisional Order in relation
to the said matters, but no such Order can be valid without confirmation by
Parliament:

Now, therefore, in pursuance of the powers vested in me by the said
Local Government Act, I, as one of Her Majesty's Principal Secretaries of 25
State, do, by this Provisional Order under my hand, direct that—

1. The number of members to constitute the Local Board of Health for the
district of Blackpool shall, after the next annual election, be eighteen
instead of nine, as fixed by the said Order of the 23rd of October 1851.
2. The nine additional members shall be elected at the next annual election. 30
3. Whenever, in consequence of this addition of new members, it becomes
necessary, in order to provide for the annual retirement and re-election
of one third of the Local Board, that members should retire who have
not served their full term of three years, the choice of such members
shall be made by ballot or in such other manner as the Local Board shall 35
determine by resolution.

Given under my hand, this ninth day of May one thousand eight
hundred and seventy.

(Signed) H. A. BRUCE.

BRISTOL.

A.D. 1870.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Bristol Local Board of Health, for the Purchase of Lands by the said Board for Street Improvements.

5 WHEREAS the mayor, aldermen, and burgesses of the city of Bristol, by the council of the said city acting as the local board of health in and for the city and county of Bristol, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government
10 Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said local board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid local board of health to purchase, otherwise than by
15 agreement, certain pieces of land for the purpose of widening, altering, and improving streets and roadways, and for making a new street within the aforesaid district of Bristol:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for
20 such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such land, be allowed to put in force the powers of the Lands
25 Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Rawlinson, Esq., C.B., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district afore-
30 said into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

35 That from and after the passing of any Act of Parliament confirming this Order,—

1.—The aforesaid local board of health for the district of Bristol shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking
40 of land otherwise than by agreement.

Given under my hand, this ninth day of May one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

The SCHEDULE referred to in the preceding Order.

LANDS and BUILDINGS intended to be taken for the purpose of widening, altering, and improving Saint James's Back. The quantity of land required for this undertaking will be 2,100 square yards.

No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.	5
1	"Beaufort Arms" public house, yard, and brewery.	Mayor, aldermen, and burgesses of the city of Bristol.	Eliza Jones - James Salvidge.	James Salvidge.	10
2	Ditto dwelling house -	Mayor, aldermen, and burgesses of the city of Bristol.	Eliza Jones - James Salvidge.	James Salvidge.	15
2a	Yard, brewhouse, and stables.	Mayor, aldermen, and burgesses of the city of Bristol.	Eliza Jones - James Salvidge.	James Salvidge.	20
3	"King's Arms" Inn -	The feoffees of Mrs. Alice Cole's charity, videlicet, Lieut.-Colonel Ledlie. William Claxton. Francis W. Savage. Charles Walter Savage. Robert Gay Barrow. C. D. Cave.	- - -	Alfred Stinchcombe.	25
4	House and yard - -	The feoffees of Mrs. Alice Cole's charity, videlicet, Lieut.-Colonel Ledlie. William Claxton. Francis W. Savage. Charles Walter Savage. Robert Gay Barrow. C. D. Cave.	- - -	Alfred Stinchcombe.	30
5	Lodging house - -	Mayor, aldermen, and burgesses of the city of Bristol.	Mrs. Ann Barnett Francis Augustine Barnett.	Luigi Barni.	35
6	Lodging house, yard, and sheds.	Mayor, aldermen, and burgesses of the city of Bristol.	Mary Lewis - George Hurley. John Twigg.	James Collins.	40
7	Lodging house and yard	Mayor, aldermen, and burgesses of the city of Bristol.	Mary Lewis - George Hurley. John Twigg.	Mary Ayres.	45
8	House for official police station.	Mayor, aldermen, and burgesses of the city of Bristol.	- - -	Samuel Casswell Newton.	50
9	House, shop, and back yard.	Mayor, aldermen, and burgesses of the city of Bristol.	Thomas Carlile -	Francis Cahill. Michael O'Neil.	
10	House, shop, and out-houses.	Mayor, aldermen, and burgesses of the city of Bristol.	Thomas Carlile -	John Ring. Michael O'Neil.	

No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
5	11 Beerhouse, yard, and offices.	Mayor, aldermen, and burgesses of the city of Bristol.	Thomas Carlile -	Michael O'Neil.
	12 Refreshment house, yard, and offices.	Mayor, aldermen, and burgesses of the city of Bristol.	-) - -	Rebecca Bryant.
10	13 House and shop -	Mayor, aldermen, and burgesses of the city of Bristol.	- - -	Rebecca Bryant.
	13a House and shop -	Mayor, aldermen, and burgesses of the city of Bristol.	George Porter - Robert Wood.	Augustine Granville.
15	14 House -	Mayor, aldermen, and burgesses of the city of Bristol.	George Porter -	George Dando Hurley.
20	15 Occupation passage -	Mayor, aldermen, and burgesses of the city of Bristol.	George Porter, Robert Wood.	—
	16 House - -	Mayor, aldermen, and burgesses of the city of Bristol.	George Porter - Robert Wood.	Peter Bernandini.
25	17 "Coopers' Arms" Inn -	Mayor, aldermen, and burgesses of the city of Bristol.	- - -	William Simmons.
	18 Butcher's shop -	William Simmons.	- - -	Elizabeth Carter.
30	19 "White Lion" Inn -	Robert Charles Smart -	- - -	Robert Charles Smart.
	19a "White Lion" Inn -	Mayor, aldermen, and burgesses of the city of Bristol.	- - -	Robert Charles Smart.
35	20 "White Lion" Inn -	Lieut.-Colonel George Thorne George.	- - -	Robert Charles Smart.
40	21 Public house -	Feoffees of Saint Peter, videlicet, Joseph Langley, Richard Nott, and Henry Gardner.	James Currie -	Elizabeth Bonino.
		Feoffees of Saint Michael, videlicet, Rev. William Knight and George Lunell.		
45	22 House and shop -	Robert Lewis Porter -	- - -	Martin Brennan.
	23 "Cardiff Castle" Inn -	John MacMurtry -	Thomas Collier, & Co., videlicet, William Bowley, Henry Joseph Bristow.	George Parkins.
50	24 House and shop -	John MacMurtry -	- - -	Samuel Yeates.
	25 House, shop, and yard -	Robert Lewis Porter -	- - -	Ann Smith.

LANDS and BUILDINGS intended to be taken for the purpose of widening, altering, and improving Rupert Street and St. John's Bridge. The quantity of Land required for this Undertaking will be 120 square yards.

No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.	5
1	Warehouse - -	Ecclesiastical Commissioners of England.	Daniel Haythorne Goolden. John Goolden Perrin. Elizabeth Troughton.	Void.	10
2	Stable - - -	Ecclesiastical Commissioners of England. Feoffees of St. Nicholas, videlicet, Henry Chidgey Quinton. The Reverend Henry Martin. William Edward Chessell. William Terrell. John Bartlett. William Killigrew Wait. George King Morgan. William Granger. William Paul Hudden. Henry Adams. William Thomas. Reginald Wyndham Butterworth. Thomas George Cole. Thomas Davey. William Wilberforce Jose. William Frederick Lavington. Joseph Greer Rake. James Evens. William Lemon. James Roger Bramble. George Thomas. Gilbert Ireland Montagu Blackburne.	George F—— Cooke.	Charles Robins.	15 20 25 30 35 40
3	Part of tenement and court.	Rebecca Bryant - -	- - - -	Harriet Weeks.	45
4	Part of tenement -	Edward Strickland -	- - - -	Void.	

LANDS and BUILDINGS intended to be taken for the purpose of widening, altering, and improving Lower Saint Michael's Hill. The quantity of Land required for this Undertaking will be 390 square yards.

5	No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
	1	House with yard and outbuildings.	John Lewis	- - -	John Lewis.
10	2	House and shop with yard and outbuildings.	Edward Lonsdale	- - -	Samuel Batstone.
	3	House and shop with yard, bakehouse, and outbuildings.	Edward Lonsdale	- - -	Edward Charles Turner.

15 LANDS and BUILDINGS intended to be taken for the purpose of making a new street from Regent Place to the Merchant's Road in the parish of Clifton. The quantity of land required for this undertaking will be 3,600 square yards.

	No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
20	1	Entrance, road, yard, terrace and shrub- beries.	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	Thomas Brown - Samuel Moore.	Thomas Brown.
25					
	2	Dwelling house	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	Anne Prout.
30					
	3	Dwelling house	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	Anne Prout.
35					
40					
	4	Dwelling house	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	Thomas Brown - Samuel Moore.	Thomas Brown.
45					
50					

No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.	
5	Tenement - -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	Thomas Brown - Samuel Moore.	Thomas Brown.	5
					10
6	Terrace, footway, and garden.	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	Thomas Brown - Samuel Moore.	Thomas Brown.	15
7	Tenement - -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	Thomas Brown - Samuel Moore.	Thomas Brown. Joseph Chard.	20
					25
8	Tenement - -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	Thomas Brown - Samuel Moore.	Joseph Chard.	30
					35
9	Tenement and garden -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	Anne Prout.	40
10	Terrace - - -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	Thomas Brown -	Anne Prout. Thomas Brown. Joseph Chard. George Bates.	45
					50

No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
5	11 Shops and tenement -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	David Guthrie Catcheside. Frederick S. Tucker.
10	12 Garden and entrance -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	William Matthias.
15	13 "Albion" public house	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	Robert Norman.
20	14 Road - " -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	Robert Norman. John Thomas.
25	15 Workshop - " -	Trustees of Francis Adams and Maria his wife, videlicet, Robert Manley Lowe and John William Lowe. Thomas Lane Coulson. William Matthias.	- - -	John Thomas.
30	16 Part of workshop -	Trustees of John Parker, Selina Parker, Frederick Ashmead, William Henry Littleton.	Samuel Moore -	Samuel Moore.
35	17 Bakehouse, chimney, greenhouse, and gar- den.	Trustees of John Parker, Selina Parker, Frederick Ashmead, William Henry Littleton.	John Bolling -	John Bolling.
40	18 Garden and shed -	Trustees of John Parker, Selina Parker, Frederick Ashmead, William Henry Littleton.	Edward Harrison	Edward Harrison.
45				
50				
55				

NAMES of the Owners, Lessees, and Occupiers of the Lands and Buildings intended to be taken by the Local Board of Health of the city and county of Bristol, for the purposes mentioned in the annexed petition, showing those who have assented, dissented, are neuter, or have returned no answer in respect of the undertakings mentioned in such petition.

5

First.—In respect to the widening, altering, and improving Saint James's Back.

Owners.

Names.	Assent.	Dissent.	Neuter.	No Answer.	Special Answers and Observations.	
The mayor, aldermen, and burgesses of Bristol.	- -	- -	- -	No answer.		10
Lieutenant-Colonel Ledlie.	- -	- -	- -	No answer.		
William Claxton	- -	- -	- -	No answer.		
Francis W. Savage	- -	- -	Neuter	- -	Signed, Charles Walter Savage Springfield.	15
Charles Walter Savage	- -	- -	Neuter.	- -		
Robert Gay Barrow	- -	- -	- -	No answer.		
C. D. Cave	- -	- -	- -	No answer.		
William Simmons	Assent.	- -	- -	- -		
Robert C. Smart	- -	- -	- -	No answer.		20
Lieutenant-Colonel George Thorne George.	Assent	- -	- -	- -	Signed, Thorne George.	
Joseph Langley	- -	- -	Neuter	- -	Signed, Joseph Langley, by Henry Bush, his agent.	25
Henry Gardiner	- -	- -	Neuter	- -	Signed, Henry Gardiner, by Henry Bush, his agent.	
Richard Nott	- -	- -	Neuter	- -	Signed, Richard Nott, by Henry Bush, his agent.	30
The Reverend William Knight.	- -	- -	- -	No answer.		
George Lunell	- -	- -	- -	No answer.		
Robert Lewis Porter.	Assent.	- -	- -	- -		35
John MacMurtry	- -	- -	- -	No answer.		

Lessees.

Eliza Jones	- -	- -	Neuter.	- -		
James Salvidge	- -	- -	- -	No answer.		
Ann Barnett	- -	- -	- -	No answer.		40
Francis Augustine Barnett	- -	- -	- -	No answer.		
Mary Lewis	Assent.	- -	- -	- -		
George Hurley	Assent.	- -	- -	- -		
John Twigg	Assent.	- -	- -	- -		
Thomas Carlile	- -	- -	- -	No answer.		45
George Porter	Assent.	- -	- -	- -		
James Currie	- -	- -	- -	No answer.		
Thomas Collier	Assent.	- -	- -	- -		
William Bowley	Assent.	- -	- -	- -		
Henry Joseph Bristow	Assent.	- -	- -	- -		50

Occupiers.

Alfred Stinchcombe	- -	Dissent.	- -	- -		
Luigi Barni	- -	Dissent.	- -	- -		
James Collins	- -	- -	Neuter.	- -		

	Names.	Assent.	Dissent.	Neuter.	No Answer.	Special Answers and Observations.
	Mary Ayres -	-	-	Neuter.		
	Samuel Casswell Newton -	-	-	-	No answer.	
5	Francis Cahill -	-	-	-	No answer.	
	Michael O'Neill -	-	Dissent.	-		
	John Ring -	-	-	-	No answer.	
	Rebecca Bryant -	-	-	-	No answer.	
	Augustine Granville -	-	-	-	No answer.	
10	George Dando Hurley -	-	-	Neuter.		
	Peter Bernardini -	-	Dissent	-	-	Not agreeing with.
	William Simmons -	-	-	-	No answer.	
	Elizabeth Carter -	-	-	Neuter.	-	Signed, Ann Carter.
	Elizabeth Bonino -	-	-	-	No answer.	
15	Martin Brennan -	-	Dissent.			
	George Parkins -	Assent.	-			
	Samuel Yeates -	-	-	Neuter.		
	Ann Smith -	-	Dissent.			

20 Second.—In respect to the widening, altering, and improving Rupert Street, and Saint John's Bridge.

Owners.

	Names.	Assent.	Dissent.	Neuter.	No Answer.	Special Answers and Observations.
25	The Secretary of the Ecclesiastical Commissioners of England.	-	-	Neuter.	-	Signed, James J. Chalk.
	Henry Chidgey Quinton -	-	-	-	No answer.	
	Reverend Henry Martin -	-	-	-	No answer.	
	William E. Chessell -	-	-	-	No answer.	
30	William Terrell -	-	-	-	No answer.	
	John Bartlett -	-	-	-	No answer.	
	William Killigrew Wait -	-	-	-	No answer.	
	George King Morgan -	-	-	-	No answer.	
	William Granger -	-	-	-	No answer.	
35	William Paul Hudden -	-	-	-	No answer.	
	Henry Adams -	-	-	-	No answer.	
	William Thomas -	-	-	-	No answer.	
	Reginald Wyndham Butterworth.	-	-	-	No answer.	
40	Thomas George Cole -	-	-	-	No answer.	
	Thomas Davey -	-	-	-	No answer.	
	William Wiberforce Jose -	-	-	-	No answer.	
	William Frederick Lavington.	-	-	Neuter.		
45	Joseph Greer Rake -	-	-	-	No answer.	
	James Evens -	-	-	-	No answer.	
	William Lemon -	-	-	-	No answer.	
	James Roger Bramble -	-	-	-	No answer.	
	George Thomas -	Assent.				
50	Gilbert Ireland Montagu Blackburne.	-	-	-	No answer.	
	Rebecca Bryant -	Assent.				
	Edward Strickland -	Assent.				

Lessees.

Names.	Assent.	Dissent.	Neuter.	No Answer.	Special Answers and Observations.	
Daniel Haythorne Goolden	- -	- -	Neuter	- -	Signed, Dan. H. Goolden, on behalf of myself and co-executors.	5
John Goolden Perrin	- -	- -	Neuter	- -	Ditto.	
Elizabeth Troughton	- -	- -	Neuter	- -	Ditto.	
G. F. Cooke	- -	- -	- -	- -	- -	

Occupiers.

10

Charles Robins	- -	- -	- -	No answer.		
Harriet Weeks	- -	Assent.	- -	- -		

Third.—In respect to the widening, altering, and improving Lower Saint Michael's Hill.

Owners.

Names.	Assent.	Dissent.	Neuter.	No Answer.	Special Answers and Observations.	
John Lewis	- -	Dissenting.	- -	- -		15
Edward Lonsdale	- -	- -	- -	No answer.		

Occupiers.

20

Samuel Batstone	- -	- -	Neuter.			
Edward Charles Turner	- -	- -	Neuter.			

Fourth.—In respect to the making a new street from Regent Place to the Merchant's Road in the parish of Clifton.

Owners.

25

Names.	Assent.	Dissent.	Neuter.	No Answer.	Special Answers and Observations.	
Francis Adams	- -	Dissent.	- -	- -		30
Maria Adams	- -	Dissent.	- -	- -		
John William Lowe	- -	- -	- -	No answer.		
Robert Manley Lowe	- -	- -	- -	No answer.		
Thomas Lane Coulson	Assent.	- -	- -	- -		
William Matthias	- -	- -	- -	No answer.		
Selina Parker	- -	Dissent	- -	- -	Signed, Catherine C. Parker.	35
Frederick Ashmead	- -	- -	- -	No answer.		
William Henry Littleton	- -	- -	- -	No answer.		

Lessees.

	Names.	Assent.	Dissent.	Neuter.	No Answer.	Special Answers and Observations.
5	Thomas Brown -	-	-	Dissent.		
	Samuel Moore -	-	-	Dissent.		
	Edward Harrison -	-	-	Dissent.		
	John Bolling -	-	-	Dissent.		

Occupiers.

	Anne Prout -	-	-	-	Neuter.	
10	Joseph Chard -	-	-	-	Dissent.	
	George Bates -	-	-	-	Dissent.	
	David Guthrie Catchside -	-	-	-	Dissent.	
	Frederick S. Tucker -	-	-	-	Dissent.	
	Robert Norman -	-	-	-	Dissent.	
15	John Thomas -	-	-	-	Dissent.	

ETON.

20 *Provisional Order empowering the Eton Local Board of Health to put in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the said Board for Sewage Irrigation Purposes.*

25 WHEREAS the Local Board of Health in and for the district of Eton, in the county of Bucks, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for the utilization of sewage by irrigation without their district :

30 And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such board for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned
35 no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the
40 Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

A.D. 1870. Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board of Health for the district of Eton in the county of Bucks shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes herein-
before set forth.
- 5
- 10

Given under my hand this twenty-fifth day of April One thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

The SCHEDULE referred to in the foregoing Order.

15

The Lands, Buildings, and Premises proposed to be taken for the purposes set forth in the preceding Order, and situate in the parishes of Eton and Upton-cum-Chalvey and the liberty of Boveney, all in the county of Bucks, are the following. The figures in the first column refer to those on the plan accompanying the Petition of the aforesaid Local Board of Health.

20

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.	
PARISH OF ETON.					
1	Field called Park Close, containing 3 A. 3 R. 3 P. or thereabouts.	William Stuart - -	George Snowden Lillywhite	Edwd. Aldridge.	25
2	Field called Great Park Close, containing 7 A. 2 R. or thereabouts.	Willm. Goddard and Willm. Jno. Goddard.	Edwd. Aldridge - -	Edwd. Aldridge.	
3	Field called "Eight Acres," containing 6 acres or thereabouts.	Her Majesty's Commissioners of Woods and Forests.	John Cross - - -	John Cross.	30
4	Field called "The Hyde," containing 9 A. 1 R. 33 P. or thereabouts.	Willm. Goddard and Willm. Jno. Goddard.	Edwd. Aldridge - -	Edwd. Aldridge.	35
5	Field called "The Eyot," containing 1 A. 2 R. or thereabouts.	Her Majesty's Commissioner of Woods and Forests.	John Cross - - -	John Cross.	
6	Field called "The Home Close," containing 11 A. 3 R. 4 P. or thereabouts.	Willm. Goddard and Willm. John Goddard.	Edwd. Aldridge - -	Edwd. Aldridge.	40
7	Dwelling house and garden and meadow, containing 3 A. 2 R. 20 P. or thereabouts.	Willm. Goddard and Willm. Jno. Goddard.	Edwd. Aldridge - -	Henry Davis and Geo. Lillywhite.	45

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
LIBERTY OF BOVENEXY.				
5 8	Field forming a part of Bell Farm, containing 9 acres or thereabouts.	Wm. Goddard and Willm. Jno. Goddard.	Edwd. Aldridge - -	Edward Aldridge.
8a	Two cottages - - -	Willm. Goddard and William John Goddard.	Edwd. Aldridge - -	John Hunt and George Kersley.
PARISH OF UPTON-CUM-CHALVEY.				
10 9	Portion of a field containing 2 roods or thereabouts.	Rob. Oakes, Jno. Nash, and Arthur Oakes, trustees for the late John Pocock.	Edward Wells and Will. Jno. Howard Wells.	William John Howard Wells.

ETON.

15 *Provisional Order for extending the Borrowing Powers of the Eton Local Board of Health.*

WHEREAS the Local Board of Health for the district of Eton, in the county of Bucks, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the utilization of the sewage of their district, and the said Board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

30 Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

35 The Local Board of Health for the district of Eton in the county of Bucks shall have power to borrow for the execution of works for the purpose aforesaid, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years assessable value

A.D. 1870.

of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this twenty-fifth day of April one thousand eight hundred and seventy.

5

(Signed) H. A. BRUCE.

HECKMONDWIKE.

Provisional Order for altering the Order in Council, applying the Public Health Act, 1848, to the Township of Heckmondwike in the County of York.

10

WHEREAS by an Order of Her most Gracious Majesty in Council, bearing date the tenth day of March 1853, made under the provisions of the Public Health Act, 1848, the said Public Health Act was duly applied to the township of Heckmondwike in the county of York :

And whereas by such Order as aforesaid the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at nine, the entire number to be elected for the whole of such district :

15

And whereas the Local Board of Health for the said township of Heckmondwike have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order, in so far as such Order relates to the number of members to constitute the Local Board of Health for such district :

20

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the matters mentioned in the said petition :

25

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament :

30

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1. The number of members to constitute the Local Board of Health for the township of Heckmondwike shall be twelve, anything in the hereinbefore recited Order, bearing date the tenth day of March 1853, to the contrary notwithstanding.
2. The three additional members required to bring the Local Board to the said number shall be elected within one month from the passing of the Act confirming this Order.

35

40

3. One third in number of the twelve members constituting the Heckmond-
wike Local Board of Health shall annually go out of office on the usual
day for the retirement of members. A.D. 1870.
4. The member who, in consequence of the increase of the said Board, will
have to retire before having served three years, shall be the member of
the said Board who has served the longest time, or if there be more than
one having served the same time, then the one chosen by ballot among
the members who have served the longest time.

Given under my hand this twenty-fifth day of April one thousand
eight hundred and seventy.

(Signed) H. A. BRUCE.

KIDDERMINSTER.

*Provisional Order for the repeal of the Local Act (53 Geo. 3.
Cap. 83.) in force within the Borough of Kidderminster.*

- WHEREAS the Town Council acting as the Local Board in and for the borough
of Kidderminster, in the county of Worcester, under and for the purposes of
the Local Government Act, 1858, have, in pursuance of the said Act, presented
a petition to me, as one of Her Majesty's Principal Secretaries of State, praying
for the repeal of the local Act, 53 Geo. 3. cap. 83, intituled "An Act for
paving, cleansing, lighting, watching, and otherwise improving the streets and
other public passages and places in Kidderminster in the county of Wor-
cester," being an Act in force within the said district having relation to the
purposes of the Local Government Act, and not conferring powers or privileges
upon any corporation, company, undertakers, or individuals, for their own
pecuniary benefit, and for other purposes in such petition set forth:

And whereas, in pursuance of the said Local Government Act, inquiry
has been made in the said borough by Arnold Taylor, Esquire, the Inspector
appointed for such purpose, in respect of the several matters mentioned in the
said petition:

- And whereas it appears expedient to issue a Provisional Order in relation
to the said matters, but no such Order can be valid without the confirmation of
Parliament:

- Now, therefore, I, as one of Her Majesty's Principal Secretaries of State,
and in pursuance of the powers vested in me by the Local Government Act,
1858, do, by this Provisional Order under my hand, direct—

That from and after the passing of any Act of Parliament confirming this
Order—

1. The whole of the aforesaid Act of 53 Geo. 3. cap. 83. shall be repealed.
2. All property and estate and all rights of action of the Commissioners acting
in the execution of the said local Act shall be transferred to and vested

A.D. 1870.

in the said Local Board, and all sums due to the said Commissioners shall be recoverable by the said Local Board, as if the said Local Board were the said Commissioners, and the said local Act were not repealed.

3. All debts, moneys, and securities for money contracted or payable by the said Commissioners shall be satisfied by the said Local Board out of such 5 parts of the said property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied thereout by the said Local Board.
4. Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the 10 said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made.
5. The said Local Board are hereby authorized and empowered from time to time, subject to the provisions of the 85th section of the Public Health Act, 1848, to contract with any person or persons for scouring, cleansing, 15 and widening the River Stour within the said district: Provided that no such contract shall be made for a longer space of time than three years from the time of entering into such contract; and the cost of and incidental to such scouring, cleansing, and widening the said river shall be paid out of the general district rates, to be levied from time to time by 20 the said Local Board.
6. The said Local Board are hereby directed and empowered, from time to time and at all times, to keep in repair the flood-gates adjoining the present mill-pond of the mill called Caldwell Mill, and situate opposite to Caldwell Hall, and the banks of the sluices leading therefrom into the 25 River Stour and the Back Brook, running from the said mill-pond into the River Stour, and the expenses of so doing shall be defrayed out of the general district rates aforesaid.
7. The said Local Board are hereby directed and empowered, in case of the overflowing of the said river more than 18 inches over the weir adjoining 30 on both sides to premises belonging to Messieurs Brinton and Lewis, formerly to one George Hallen and Joseph Bowyer, respectively, to draw or open the said flood-gates.

Given under my hand this ninth day of May in the year one thousand eight hundred and seventy.

35

(Signed) H. A. BRUCE.

A.D. 1870.

LINCOLN.

*Provisional Order re-enacting certain repealed Sections of the
Lincoln Paving and Lighting Act (9 Geo. 4. c. 27).*

WHEREAS by Provisional Order, bearing date the 22nd day of June 1866,
5 confirmed by The Local Government Supplemental Act, 1866," (No. 4,) 29 & 30 Vict. c. 107, certain sections of a Local Act in force in the city and borough of Lincoln, and entitled "An Act for paving, lighting, watching, and "improving the city of Lincoln, and the bail and close of Lincoln, in the "county of Lincoln, and for regulating the police therein," were repealed,
10 including the sections numbered 57, 64, 65, 66, 81, 82, 87, 88, and 89:

And whereas it has been found that these sections contained enactments which were useful for the government of the said borough, and it is considered by the council of the said borough acting as a Local Board desirable that the said Provisional Order should be altered by striking out so much thereof as
15 repeals the said sections:

And whereas a petition has been presented by the said Local Board to me, as one of Her Majesty's Principal Secretaries of State, under the 77th section of the Local Government Act, 1858, praying for the alteration of the said Provisional Order, by re-enactment of the herein-before enumerated sections of the
20 said Local Act:

And whereas inquiry has been directed and made in the said district in respect of the several matters mentioned in the said petition, and report duly made to me thereon by Arnold Taylor, Esquire, the Inspector appointed for the purpose:

25 And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of
30 State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1. The sections of the said Local Act numbered 57, 64, 65, 66, 80, 81, 82, 87, 88, and 89 shall be struck out from the list of sections repealed by the said Provisional Order of the 22nd day of June 1866, and the sections so
35 numbered as aforesaid shall be of force in the said city and borough as if they had not been repealed by the said Provisional Order.

2. The said 88th section shall be altered by the addition thereto of the following provision: "That if any wagon, cart, caravan, stage coach,
"chaise, gig, barrow, or any other carriage or vehicle of any sort or
40 "kind whatsoever, be at any time found remaining or standing in any "highway within the district of the said Local Board for the said city "of Lincoln, longer than shall be actually necessary for the loading or "unloading thereof, without any person having the charge thereof, any

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“ constable or officer of police, or any officer appointed by the said Local
“ Board, may seize and impound such wagon, cart, caravan, stage coach,
“ chaise, gig, barrow, or other carriage or vehicle in any common pound
“ or other convenient place within the said district, and may detain the
“ same therein until the owner thereof pay to the said Local Board 5
“ a penalty of not exceeding forty shillings, besides the reasonable
“ expenses of impounding and keeping such wagon, cart, caravan, stage
“ coach, chaise, gig, barrow, carriage, or vehicle.
“ If the said penalty and expenses be not paid within three days
“ after such impounding, the surveyor, or other person appointed by 10
“ the said Local Board for that purpose, may proceed to sell or
“ cause to be sold any such wagon, cart, caravan, stage coach, chaise,
“ gig, barrow, carriage, or vehicle. But, previous to such sale, seven
“ days’ notice shall be given to or left at the dwelling house or place
“ of abode of the owner of such wagon, cart, caravan, stage coach, 15
“ chaise, gig, barrow, carriage, or vehicle, if he be known, or, if not,
“ then notice of such intended sale shall be given by advertisement,
“ to be inserted seven days before such sale in some newspaper
“ published or circulated within the limits of the district of the said
“ Local Board; and the money arising from such sale, after deducting 20
“ the said penalty or penalties and the expenses aforesaid, and all
“ other expenses attending the impounding, advertising, keeping, and
“ sale of any such wagon, cart, caravan, stage coach, chaise, gig, barrow,
“ or other carriage or vehicle so impounded, shall be paid to the said
“ Local Board, and shall be by them paid, on demand, to the owner 25
“ of the said carriage or vehicle so sold.”

3. The sections of the said Local Act re-enacted by this Order shall be incorporated with the said Local Government Act as brought into operation in the said district.

Given under my hand this ninth day of May in the year one 30
thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

NOTTINGHAM.

Provisional Order, putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Local Board of Health for the borough of Nottingham, for the purchase and taking of
 5 *lands by the said board, otherwise than by agreement.*

WHEREAS the mayor, aldermen, and burgesses of the borough of Nottingham, being the Local Board of Health in and for the district of the said borough, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly
 10 giving and serving all notices thereby directed, presented a petition, under the seal of the said local board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to widen, alter, and improve
 15 certain streets within such borough:

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Local Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises
 20 who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such board; and such petition prayed that the said board might, with reference to such lands, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands
 25 otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

30 Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

35 The mayor, aldermen, and burgesses of the borough of Nottingham, being the Local Board of Health for the said borough, shall be empowered to put in force, with reference to the messuages or tenements, buildings, lands hereditaments, and premises referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act,
 40 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand this twenty-fifth day of April in the year one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

The SCHEDULE referred to in the preceding Order.

The LANDS, HOUSES, BUILDINGS, HEREDITAMENTS, and PREMISES proposed to be taken for the purposes set forth in the preceding Order, and which are situate in the borough of NOTTINGHAM, are the following, the figures in the first column referring to those on the plan of the said Hereditaments and Premises deposited at the office of the said Local Board, St. Peter's Church Side, Nottingham, in the month of November 1869, and mentioned in the petition of the aforesaid Local Board hereinbefore referred to.

No. on the said Plan.	Messuages, Buildings, Lands, Hereditaments, and Premises proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	10
1, 1A, 2, and 3.	House, shop, yatestead, and premises in or near Bridlesmith Gate and St. Peter's Gate.	Ann Moss, and the mayor, aldermen, and burgesses of the borough of Nottingham.	Henry Watton	Henry Watton.	15
3	Common privy in or near St. Peter's Gate.	Ann Moss, the mayor, aldermen, and burgesses of the borough of Nottingham, and Edward Watts.	Henry Watton	Henry Watton, Edward Watts.	20
2, 4, 5, 6, 7, and 9.	Common passage, common ashpit, common privies, and parts of common yard and premises in or near St. Peter's Gate.	Ann Moss, the mayor, aldermen, and burgesses of the borough of Nottingham, Edward Watts, Becket Truman, James Hollingworth, and Louisa Cooke.	- - -	Edward Watts, Charles Wood, James Dance, William Knight, Henry Watton, (lessee and occupier), and Thomas Smith (lessee and occupier).	25 30
8 and 8A.	House, shop, and premises in or near Bridlesmith Gate.	Edward Watts	- - -	Edward Watts.	35

PLYMOUTH.

A.D. 1870.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Plymouth Local Board of Health, for the Purchase of Lands by the said Board for Street

5

Improvements.

WHEREAS the mayor, aldermen, and burgesses of the borough of Plymouth in the county of Devon, by the council of the said borough acting as the Local Board of Health in and for the said borough, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 10 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid local 15 board of health to purchase, otherwise than by agreement, certain pieces of land for the purpose of widening, altering, and improving certain streets within the aforesaid district of Plymouth:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for 20 such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such land, be allowed to put in force the powers of the Lands 25 Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., C.E., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district afore- 30 said into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this 35 Order,—

1.—The aforesaid Local Board of Health for the district of Plymouth shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking 40 of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand this twenty-fifth day of April one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The **PIECES** of **LAND** proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Lands proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	5
1	A piece of ground adjoining lane on north side of houses at Woodside.	William Howart Fort Willcock.	- - -	Thomas Bennett.	10
2	Piece of ground in front of dwelling house, No. 17, Ham Street.	The devisees of the will of John Netherton.	- - -	Mary Netherton, William Daniel.	15
3	"The Cornish Inn," public house, yards, stables, outhouses, courtlage, and offices, No. 24, Old Town Street.	Sarah Butters and William Curtis, trustees.	William Rawling.	William Rawling.	20
4	Dwelling house, shop, and courtlage, No. 25, Old Town Street.	Sarah Butters and William Curtis, trustees.	William Rawling.	Herbert Morris, William Rawling.	25
5	Dwelling house, smithy, outhouses, courtlage, and offices, No. 26, Old Town Street.	Abraham Cole, trustee, William Ball.	- - -	William Ball.	30
6	Old dwelling houses, outhouses, courtlage, and yard, Nos. 3, 4, and 4½ Tin Street.	The devisees of the will of William Triggs Hellyer, deceased, Mary Hellyer, Eliza Hellyer, Emma King.	- - -	Thomas Routleff.	35
7	Dwelling house, shop, outhouses, and courtlage, No. 5, Tin Street.	Edward Smith	- - -	Edward Smith, jun.	40
8	Two pieces of ground, portions of St. Andrew's burial ground, abutting on Catherine Street and Bedford Street.	The vicar and churchwardens of the parish of St. Andrew.	—	—	45
9	Piece of ground, portion of St. Andrew's churchyard, abutting on Whimple Street.	The vicar and churchwardens of the parish of St. Andrew.	—	—	

No. on Plan.	Lands proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	10 Dwelling house and outhouse, No. 7, Catherine Street.	The trustees of the Jews' Synagogue.	- - -	Levy Fredman.
	11 Dwelling house, outhouses, and courtlage, No. 4, Basket Street.	James Skardon }	- - -	William Rawlings, Elizabeth Skelton.
10	12 Store and outbuildings, No. 8, Basket Street.	The mayor, aldermen, and burgesses of the borough of Plymouth.	John George Richards.	Joseph Arnold and Joseph Arnold, jun.
15	13 Portion of Basket Street.	The local board of health for the district of the borough of Plymouth.	—	—
20	14 Dwelling house, shops, courtlage, store, and offices, No. 13, Bedford Street.	The executors of the late John Shephard, John Allen, Nicholas Rowse.	Richard Carpenter.	George Thomas Gliddon.
25	15 Dwelling house, shop, courtlage, and offices, No. 19, Bedford Street.	Henry Matthews -	Richard Ireland Watts.	Albert Cridland.
	16 Dwelling house, shop, courtlage, and offices, No. 20, Bedford Street.	Henry Matthews -	- - -	Henry Matthews.
30	17 "The Greyhound" Inn, beerhouse, wash-house, and courtlage, in Frankfort Street.	Sylvanus Sweet and Eliza Sweet.	Robert Ward -	Joseph Godfrey, Jane Ann Couch.
35	18 Dwelling house, courtlage, and offices, bark mill, tan yard, tan pits, and drying shed, in Cambridge Street and Frankfort Street.	Sylvanus Sweet and Eliza Sweet.	Robert Ward -	Robert Ward.
40	19 Cement, mill kilns, cooperage yard, stables, sheds, stores, and offices in Cambridge Street.	Sylvanus Sweet and Eliza Sweet.	John Caldwell	John Caldwell.

A.D. 1870.

SOUTH MOLTON.

*Provisional Order for the Alteration and partial Repeal of the
South Molton Markets and Improvement Act, 1862, in force
within the District of the South Molton Local Board.*

WHEREAS the Local Board for the district of the borough of South Molton, 5
in the county of Devon, acting in execution of a certain Local Act of Parlia-
ment passed in the twenty-fifth year of the reign of Her Majesty Queen Victoria
(27 Vict. cap. 27), intituled "An Act for the building of a new Market House
" in the borough of South Molton, for the regulating of Markets and Fairs
" in the borough, for the improvement in other respects of the borough, and 10
" for other purposes," has duly adopted the Local Government Act, 1858, in
and for the said borough.

And whereas the said Local Board has, in pursuance of the said Act,
presented a petition to me, as one of Her Majesty's Principal Secretaries of
State, praying for the alteration and partial repeal of the said Local Act, being 15
an Act in force within the said district having relation to the purposes of the
Local Government Act, and not conferring powers or privileges upon any
corporation, company, undertakers, or individuals, for their own pecuniary
benefit:

And whereas it appears expedient to issue a Provisional Order in relation 20
to the said matters, but no such Order can be valid without the confirmation of
Parliament:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State,
and in pursuance of the powers vested in me by the Local Government Act,
1858, do, by this Provisional Order under my hand, direct,— 25

That from and after the passing of any Act of Parliament confirming this
Order,—

So much of the 46th section of the "South Molton Markets and Im-
provement Act, 1862," as limits the borrowing power of the said Local
Board for all purposes except markets and fairs to two thousand pounds, 30
shall be repealed.

Given under my hand this twenty-fifth day of April one
thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

A.D. 1870.

WALLASEY.

Provisional Order repealing and altering parts of Local Acts in force within the District of the Wallasey Local Board.

WHEREAS Petitions have been presented to me as one of Her Majesty's
 5 Principal Secretaries of State, under the 77th section of the Local Government Act, 1858, from the Wallasey Local Board, in the county of Chester, praying for the partial repeal and alteration of certain Local Acts in force within the said district; viz,

10 An Act passed in the eighth year of the reign of Her Majesty Queen Victoria, intituled, "An Act for paving, lighting, watching, cleansing, and other-
 " wise improving the parish of Wallasey in the county of Chester, and for
 " establishing a police, and also a market, within such parish; and for other
 " purposes;"

15 An Act passed in the twenty-first and twenty-second years of the reign of Her Majesty Queen Victoria, intituled, "An Act for enabling the Local Board
 " of Health for the district of Wallasey to construct works and supply their
 " district with water and gas; for enlarging their powers with respect to the
 " acquisition and maintenance of ferries; and for other purposes;" and

20 An Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, intituled, "An Act to confer further powers on
 " the Wallasey Local Board; and for other purposes."

And whereas, in pursuance of the said Local Government Act, inquiry has
 been directed and made in the said district in respect of the several matters
 mentioned in the said petitions, and report duly made to me thereon by Arnold
 25 Taylor, Esquire, the Inspector appointed for the purpose.

And whereas it is desirable that authority should be given to the said
 Local Board to exercise the power conferred by the Local Government Act,
 in certain cases of borrowing, up to twice the assessable value of their district,
 and for this purpose it is necessary that the limitation to thirteen thousand
 30 pounds, of the power to borrow conferred by a Provisional Order bearing date
 the ninth day of June one thousand eight hundred and sixty-three, and confirmed by the Local Government Supplemental Act, 1863, (No. 2,) be removed,
 but no Provisional Order for such purpose can be valid without confirmation by
 Parliament.

35 Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct, that from and after the passing of any Act of Parliament confirming this Order—

40 1. The two hundred and ninety-third section of the said firstly herein-before recited Act, which provides, "that no person shall be liable to be rated
 " under this Act to the said Improvement Rate in respect of his being
 " the owner or occupier only of any property under the actual annual
 " value of ten pounds, such value to be ascertained either according to
 " the amount of rent actually paid for such property, or in such other

A.D. 1870.

- “ manner as the Commissioners may determine, and that in respect of
 “ any such property the said lighting rate shall be chargeable upon the
 “ owner, and not upon the occupier thereof,” shall be repealed.
2. Provided always, that no such person as aforesaid shall be liable to be
 rated to any general district rate made for the payment under the power 5
 given by the thirty-sixth section of the Wallasey Improvement Act,
 1867, of any deficiency in the aggregate from time to time in the
 Wallasey Waterworks Account, the Wallasey Lighting Account, and
 the Wallasey Ferries Account, respectively referred to in the Act of
 1858, whether under that Act or the Acts of 1861 and 1864, or either 10
 of them, or this Act, or to any General District Rate, in respect of any
 payments towards such deficiency.
3. The sections of the said secondly herein-before recited Local Act, num-
 bered respectively 69 to 79, both inclusive, containing regulations with
 respect to buildings in the said district, shall be repealed. 15
4. The sections in the said firstly herein-before recited Local Act providing
 for matters now provided for by Acts in force within the said district,
 and numbered respectively 63, 69, 166 to 171, both inclusive, 192 to
 197, both inclusive, 278, 279, and 280, shall be repealed.
5. The section in the said thirdly herein-before recited Local Act numbered 20
 36, and enacting that “after the passing of this Act no person shall be
 “ qualified to vote at any election of members of the Local Board
 “ unless he shall for at least twelve months prior to the day of election
 “ have been rated to the amount of at least ten pounds to the rate for
 “ the relief of the poor within the district, or to some rate leviable by 25
 “ the Local Board, and unless he shall, prior to the day of election, have
 “ paid all rates then due from him to the Local Board, except such as
 “ shall have been made or become due within six months immediately
 “ preceding the day of tendering his vote,” shall be repealed.
6. So much of the herein-before recited Provisional Order as limits the 30
 powers of the said Local Board thereby given to borrow for the purposes
 therein described to the amount of thirteen thousand pounds shall be
 repealed, and the Local Board shall be authorized from time to time to
 borrow for permanent works to the amount of twice the assessable value
 of the premises assessable under the Local Government Act in the said 35
 district; all sums so borrowed to be borrowed with the sanction of one
 of Her Majesty’s Principal Secretaries of State, and to be repaid, with
 interest thereon, within a period of fifty years from the borrowing
 thereof.

Given under my hand, this ninth day of May in the year one 40
 thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

A.D. 1870.

WARE.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Ware Local Board of Health, for the Purchase of Lands by the said Board for Utilization of Sewage.

5 WHEREAS the Local Board of Health for the district of Ware in the county of Hertford, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving
10 and serving all notices thereby directed, presented a petition, under the seal of the said local board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land required for the utilization of the sewage of their district
15 by irrigation :

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of
20 the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her
25 Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., C.E., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon :

Now, therefore, I, as Her Majesty's Principal Secretary of State for the
30 Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The aforesaid Local Board of Health for the district of Ware shall be
35 empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

40 Given under my hand this ninth day of May one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The **PIECES** of **LAND** proposed to be taken as described in the foregoing **ORDER** are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Lands proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers, &c.	5
2	Meadow, 8 perches 15 yards.	Joseph Chuck and Silas Chuck.	- - -	Samuel J. Whitehead.	
3	Meadow, 3 perches -	John Bigg - -	- - -	Ditto.	
4	Meadow, 22 perches 9 yards.	Thomas Fowell Buxton.	- - -	Ditto.	10
5	Arable, 17 perches 16 yards.	Ditto - -	- - -	Ditto.	
6	Occupation road, 8 yards	Ditto - -	- - -	Ditto.	
7	Arable land, 10 perches 9 yards.	Ditto - -	- - -	Ditto.	15
8	Railway, 1 perch -	The Ware, Hadham, and Buntingford Railway Company.	Great Eastern Railway.	Great Eastern Railway Company.	
9	Arable, 3 perches 20 yards.	Thomas Fowell Buxton.	- - -	Samuel J. Whitehead.	
10	Marsh, 8 perches -	Ditto - -	- - -	Ditto.	20
11	River Ash, 14 yards -	Ditto - -	- - -	Thomas Fowell Buxton.	
12	Marsh and meadow, 7 perches.	Ditto - -	- - -	John Benjamin Best.	
13	Arable, 35 perches 7 yards.	Ditto - -	- - -	Ditto.	
14	Highway, 1 rood 26 perches.	Hadham Highway Board.	—	—	25
14a	Garden and approach road, 1 perch 24 yards.	New River Company	Richard Hunt and William and Michael Heaver.	Richard Hunt.	
15	Occupation road, 34 perches.	Sir Williamson Booth. Trustees of Back's Charity. Henry Blackaby. John Benjamin Best. Thomas Fowell Buxton. John William Thomas. William Berry. Richard Hunt. Charles Phelps. Charles Booth. Thomas William Fordham. Michael Woodhouse.	—	—	30
					35
					40

5

No. on Plan.	Land proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
16	Meadow, 16 perches -	Charles Booth -	- - -	Thomas Fordham. William
16a	Private road, 9 yards -	Ditto - -	- - -	Ditto.
17, 18, 19, 20, & 21.	Meadow, about 123 acres	Lewis Upton and George Henry Brookes.	Thomas William Fordham.	Ditto.

Local Government Supplemental.

A.

B I L L

To confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Blackpool, Bristol, Eton, Heckmond-wike, Kidderminster, Lincoln, Nottingham, Plymouth, South Molton, Wallasey, and Ware; and for other purposes relative to certain districts under the said Act.

(Prepared and brought in by
Mr. Knatchbull-Hugessen and
Mr. Secretary Bruce.)

Ordered, by The House of Commons, to be Printed,
30 May 1870.

[Bill 153.]

Under 5 oz.

A

B I L L

TO

Confirm a Provisional Order under “The Local Government Act, 1858,” relating to the district of Merthyr Tydfil. A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty’s Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made a Provisional Order, which is contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such order shall be of any validity whatever until it shall have been confirmed by Parliament; and it is expedient that the said order should be confirmed:

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Order contained in the schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act. Provisional Order in schedule confirmed.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act. Act incorporated with 21 & 22 Vict. c. 98.

3. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures “The Local Government Supplemental Act, 1870 (No. 2).” Short title.

A.D. 1870.

SCHEDULE referred to in the preceding Bill.

MERTHYR TYDFIL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Merthyr Tydfil Local Board of Health, for the Purchase of Lands by the said Board for purposes of Sewage Irrigation.

WHEREAS the Local Board of Health in and for the district of Merthyr Tydfil, in the county of Glamorgan, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land required for the purposes of sewage irrigation:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The aforesaid Local Board of Health for the district of Merthyr Tydfil shall be empowered to put in force, with reference to the lands referred to

and described in the schedule to this order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

5 Given under my hand, this first day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

10 The PIECES of LAND proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
LANDS TO BE TAKEN.				
15	1	Meadow, wood, and part of river.	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and Wm. Chas. Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	Edwd. Purchase.
20				
25				
	12	Field, pasture - -	Do. - - - -	Do.
	13	Do., wood, and part of river.	Do. - - - -	Do.
30				
	16	Field, pasture - -	Do. - - - -	Do.
	17	Do. - - - -	Do. - - - -	Do.
35	3	Field, pasture, wood, and part of river.	Lady Mary Selina Louisa Windsor Clive, guardian of the Rt. Hon. Robt. George Lord Windsor, an infant, and the Rt. Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees.	William Williams.
40				

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
4	Field, arable, wood, and part of river.	Lady Mary Selina Louisa Windsor Clive, guardian of the Rt. Hon. Robt. George Lord Windsor, an infant, and the Rt. Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees —cont.	- - -	William Williams.	5
5	Field, pasture, wood, and part of river.	Do. - -	- - -	Do.	15
6	Field, pasture - - -	Do. - -	- - -	Do.	
7	Do. - - -	Do. - -	- - -	Do.	
9	Do. - - -	Do. - -	- - -	Do.	
10	Do. - - -	Do. - -	- - -	Do.	
70	Field, pasture, wood, and part of river.	Wyndham Wm. Lewis	Plymouth Iron Company.	Plymouth Iron Company.	20
71	Homestead, field, pasture, wood, and part of river.	Do. - -	Richd. Fothergill and Thomas Alers Hankey.	Richd. Fothergill and Thomas Alers Hankey.	25
72	Field, pasture, wood, and part of river.	Do. - -	Do. - -	Do.	
84	Common and 2 houses	Trustees of Lord Bute, lord of the manor, John Boyle, and Lieut-Col. Wm. Stuart, Morgan Davies, Robert Davies, and Daniel Watkins Edward Smith, John Williams, Daniel Richard Henry Williams.	- - -	Roger Edmonds, Thomas Evans.	30
92	Common - - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. William Steuart.	- - -	Do.	40
93	Enclosure, houses, and gardens.	Edward Lewis, Wm. Evans, Evan Jones, and Daniel Meredith, Rees Evans, Hannah Brown.	- - -	Wm. Morgan, Wm. Thomas, Sarah Samuel, Wm. Evans, and Wm. Morgan.	45
95	Common - - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. Wm. Stuart.	- - -	—	
96	Do. - - -	- - -	- - -	—	

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	97 Field, pasture, part of river.	Wm. Jones, Jno. Richards, Jno. Richards Newport, Dd. Richards, Thos. Richards, Wm. Evans, and Jane Morgan, Wm. Richards.	- - -	Wm. Llewellyn.
10	98 Wood and part river -	Do. - -	- - -	Do.
	99 Field, pasture - -	Do. - -	- - -	Do.
	100 Do. - -	Do. - -	- - -	Do.
15	101 Do., wood, and part river.	Do. - -	- - -	Do.
	102 Field, arable - -	Do. - -	- - -	Do.
	103 Do., pasture, and wood.	Do. - -	- - -	Do.
	104 Do., arable - -	Do. - -	- - -	Do.
20	105 Do., pasture - -	Do. - -	- - -	Do.
	106 Occupation road - -	Do. - -	- - -	Do.
	107 Field, pasture, wood, &c.	Do. - -	- - -	Do.
	108 Do., pasture, home- stead, orchard, &c.	Do. - -	- - -	Do.
25	109 Field, arable, and wood	Do. - -	- - -	Do.
	110 Do. - -	Do. - -	- - -	Do.
	111 Do., pasture -	Do. - -	- - -	Do.
	112 Do., arable - -	Do. - -	- - -	Do.
	113 Do. - -	Do. - -	- - -	Do.
30	114 Do., pasture -	Do. - -	- - -	Do.
	115 Field, pasture, wood, and part of river.	Dr. Nichol Carne	- - -	Thos. Rees.
	116 Field, pasture - -	Do. - -	- - -	Do.
	117 Wood and part of river	Do. - -	- - -	Do.
35	118 Field, pasture - -	Do. - -	- - -	Do.
	119 Do. - -	Do. - -	- - -	Do.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
121	Field, arable - -	Dr. Nichol Carné - - - -	- - - -	Thos. Rees.	
122	Homestead, yard, &c. -	Do. - - - -	- - - -	Do.	
123	Field, pasture - -	Do. - - - -	- - - -	Do.	5
124	Do. wood, and part of river.	Do. - - - -	- - - -	Do.	
125	Field, arable ditto -	Do. - - - -	- - - -	Do.	
126	Do. - -	Do. - - - -	- - - -	Do.	
127	Do. do. -	Do. - - - -	- - - -	Do. now or late.	10
128	Field, pasture - -	Executors of Nash Vaughan, Edwards Vaughan-Vaughan, H. Lee.	- - - -	John Edwards.	
129	Do. wood, and part of river.	Do. - - - -	- - - -	Do.	15
130	Field, arable - -	Do. - - - -	- - - -	Do.	
131	Field, pasture, wood, and part of river.	Do. - - - -	- - - -	Do.	
132	Do. do. -	Do. - - - -	- - - -	Do.	20
133	Homestead, garden, &c.	Do. - - - -	- - - -	Do.	
135	Field, pasture - -	George Thomas - - - -	- - - -	Thomas Richards.	
136	Homestead, mill, and occupation road.	Do. - - - -	- - - -	Do.	
137	Field, pasture, wood, and part of river.	Do. - - - -	- - - -	Do.	25
138	Field, wood, water-course, and part of river.	Do. - - - -	- - - -	Do.	
139	Field, pasture - -	Do. - - - -	- - - -	Do.	30
140	Wood, land - -	R. T. Crawshaw - - - -	- - - -	R. T. Crawshaw.	
141	Field, pasture, and part of river.	Morgan Walters - - - -	- - - -	Morgan Walters.	
142	Do. do. -	Do. - - - -	- - - -	Do.	
143	Do. do. -	Do. - - - -	- - - -	Stephen Davies.	35
144	Do. do. -	Do. - - - -	- - - -	Hy. Jas. Wiltshire.	

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
145	Homestead, garden, and wood.	Morgan Walters	- - -	Morgan Walters.
5 146	Field, pasture - -	Do.	- - -	Do.
147	Field, pasture, wood, and part of river.	Do.	- - -	Edwin Phillips.
148	Field, arable - -	Do.	- - -	Do.
10 149	Field, pasture, wood, and part of river.	Do.	- - -	Do.
150	Field, arable - -	Do.	- - -	Do.
151	Field, pasture, wood, and part of river.	Do.	- - -	Do.
152	Field, arable - -	Do.	- - -	Do.
15 153	Field, pasture, wood, and part of river.	Do.	- - -	Do.

COMMON OR WASTE LANDS.

No. on Plan.	Description.	Lord of Manor.	Owners of Land adjoining.	Occupiers of Land adjoining.	Name of Common.
20 84	Common or waste lands.	Trustees of Lord Bute.	Glamorganshire Canal Co.,	Thos. Richards,	Craig Evan Leyshon.
92	Do.	John Boyle	Lady Mary Selina Louisa Windsor Clive, guardian	Thos. Edwards,	
93	do.	and Lieut. Col.	of The Rt.Hon. Robt. Geo.	Edwd. Thomas,	
25 95	do.	William Stuart.	Lord Windsor, an infant,	Wm. Lewis Rees	
96	do.		and the Rt. Hon. The Earl of Bradford and the Hon. Thos. Herbert, his trustees,	Evans, Thomas	
30			Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Chas. Luard, her trustees, Chas. Fitzroy and Chas. Alex. Wood, trustees of Rhys Wingfield, and Lord Dynevor, Thomas Evans, Edwd. Williams, Edwd. Thomas, Wm. Jones, Jno. Richards,	Jones, John Lewis, Wm. Llewellyn, Thomas Sheppard.	
35			Jno. Richards, David Richards, Thos. Richards, Wm. Evans, Jane Morgan, Wm. Richards.		
40					

LANDS FOR CONDUITS TO PASS THROUGH.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
2	Wood - - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander, trustees of Rhys Wingfield.	- - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield. 5 10 15
8	Wood - - -	Lady Mary Selina Louisa Windsor Clive (Guardian of the Right Hon. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - -	Lady Mary Selina Louisa Windsor Clive (Guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustee. 20 25
11	Field, arable, bog -	Do. - -	- - -	Edward Purchase.
14	Do. pasture - -	Colonel Tynte - -	- - -	Do.
15	Do. - - -	Do. - -	- - -	Do.
18	Field pasture - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	- - -	Do. 30 35 40
19	Occupation road - -	—	- - -	Do.
20	Field, pasture - -	—	- - -	Do.
21	Do. - - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	Nixon, Taylor, and Co.	Nixon, Taylor, and Co. 45 50

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
22	Field, pasture, and road to level.	Do.—cont. - -	Nixon, Taylor, and Co.	Nixon, Taylor, and Co.
5 23	Abervan parish road -	- - -	- - -	- - -
24	Field, pasture - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	- - -	Do. Hopkin.
10				
15				
25	Do. - -	Do. - -	- - -	Do.
26	Do. - -	Do. - -	- - -	David Davies.
20 27	Two houses, garden, and pasture.	Rowland T. Griffiths	- - -	Thomas Walker and William Morgan.
28	Occupation road - -	Do. - -	- - -	R. T. Griffiths.
29	Field, arable - -	Do. - -	- - -	Do.
30	Wood - - -	Do. - -	- - -	Do.
25 31	Field, arable - -	Do. - -	- - -	Do.
32	Do. - - -	Do. - -	- - -	Do.
33	Woodland - - -	Do. - -	- - -	Do.
34	Field, pasture - -	Do. - -	- - -	Do.
35	Do. - - -	Do. - -	- - -	Do.
30 36	Rough ground and old road.	Lewis Jenkin	- - -	David Pritchard.
37	Field, pasture - -	Do. - -	- - -	Do.
38	Aberfan parish road -	Do. - -	- - -	Do.
39	Field, pasture - -	Do. - -	- - -	Do.
35 40	Wood and stony ground	Do. - -	- - -	Do.
41	Field, pasture - -	Do. - -	- - -	Do.
42	Occupation road -	Do. - -	- - -	Do.
43	Field, pasture - -	Do. - -	- - -	Do.

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B

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupier.	
44	Field, pasture - -	Lewis Jenkin - -	- - - -	David Pritchard.	
45	Wood - - -	Do. - - -	- - - -	Do.	
46	Field, pasture -	Executors of the late William Foreman, George Hardy, Henry Kebbel, and William Anthony Collins.	- - - -	Thomas Parry.	5
					10
47	Do. - - -	Do. - - -	- - - -	Do.	
48	Do. - - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. George Lord Windsor, an infant), and the Right Honble. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - - -	David Williams.	15
					20
49	Do. - - -	Do. - - -	- - - -	Do.	
	Rough wood (Clotch) -	John Rees, Gwenny Rees, and Thomas John.	—	—	25
51	Parish road -	—	—	—	
52	Wood - - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Honble. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - - -	David Williams.	30
					35
53	Wood - - -	John Jenkins - -	- - - -	Thomas Price.	40
54	Garden, &c. - -	Do. - - -	- - - -	Do.	
55	Field, pasture - -	Do. - - -	- - - -	Do.	
56	Do. - - -	Do. - - -	- - - -	Do.	
57	Do. - - -	Do. - - -	- - - -	Do.	
58	Do. - - -	Do. - - -	- - - -	Do.	45

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	59 Wood - - -	John Jenkins - -	- - -	Thomas Price.
	60 Do. - - -	John and Lewis Jenkins. - -	- - -	John Jenkins.
	61 Field, pasture - -	Do. - - -	- - -	Do.
	62 Do. - - -	Do. - - -	- - -	Do.
	63 Do. - - -	Do. - - -	- - -	Do.
10	64 Great Western Railway	Great Western Railway Company.	- - -	G. W. Railway Co.
	65 Rough ground - -	John and Lewis Jenkins. - -	- - -	John Jenkins.
	66 Field, pasture - -	Do. - - -	- - -	Do.
	67 Rough land, wood, &c. -	Do. - - -	- - -	Do.
15	68 Taff Vale Railway cutting and quarries.	Taff Vale Railway Company.	- - -	Taff Vale Railway Company.
	69 Rough wood and old road.	The executors of Thomas Jenkins, deceased.	- - -	Thomas Jenkins.
20	73 Field, pasture - -	Isaac Jones - -	- - -	Richard Morris.
	74 House and garden - -	Dd. Jenkins - -	Elijah Oldham	Thomas Jones.
25	75 Merthyr Basin tram road.	Executors of late Wm. Foreman, George Hardy, Henry Kebbel, and Wm. Anthony Collins, Plymouth Iron Co., Richard Fothergill, and Thomas Alers Hankey.	- - -	Plymouth Iron Co., Richard Fothergill, and Thomas Alers Hankey.
30	76 Rough ground - -	Dd. Jenkins - -	Elijah Oldham	Elijah Oldham.
	77 House and garden - -	Dd. Jenkins - -	Dd. Jones -	Dd. Peters.
	78 Mafen brook and ridge.	Plymouth Iron Company, Rd. Fothergill, and Thos. Alers Hankey.	- - -	Plymouth Iron Company, Richard Fothergill, and Thos. Alers Hankey.
35	79 Field, pasture - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Hon. Robt. Geo. Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees.	- - -	John Gethin.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
80	Turnpike road - -	Turnpike trust -	—	—	
81	New church - -	Do. -	—	—	
82	Common - -	Trustees of Lord Bute, John Boyle, and Lieut-Col. Wm. Stuart.	—	—	5
83	Turnpike road - -	Turnpike trust -	—	—	
85	Do. - -	—	—	—	10
86	Common - -	Trustees of Lord Bute, John Boyle, and Lieut-Col. Wm. Stuart.	—	—	
87	Turnpike road - -	Turnpike trust -	—	—	15
88	Garden - -	Henry and John Lewis.	—	Henry Lewis.	
89	Common - -	Trustees of Lord Bute, John Boyle, and Lieut. Col. William Steuart.	—	—	20
90	Canal wharf - -	Plymouth Iron Company, Richard Fothergill, and T.A. Hankey.	—	Plymouth Iron Company, Rd. Fothergill, and T. A. Hankey.	25
91	Canal and canal towing path, &c.	Glamorganshire Canal Co.	- - -	Glamorganshire Canal Company.	
94	Llanciach branch -	T. V. Railway Co. -	- - -	T. V. Railway Co.	
120	Do. Do. -	Do. -	-	Do.	
120 (a)	Two houses, garden -	Dr. Nichol Carne -	- - -	Charles Leat.	30
115 (a)	Parish road to Aberdare	The Highway Board	—	—	
134	Parish road and Cwm-bridge.	The Highway Board	—	—	

Local Government Supplemental (No. 2).

A

B I L L

To confirm a Provisional Order under
“The Local Government Act, 1858,”
relating to the district of Merthyr
Tydfil.

(*Prepared and brought in by*
Mr. Knatchbull-Hugessen and
Mr. Secretary Bruce.)

Ordered, by The House of Commons, to be Printed,
16 June 1870.

[Bill 171.]
Under 2 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Merthyr Tydfil. A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made a Provisional Order, which is contained in the first schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such order shall be of any validity whatever until it shall have been confirmed by Parliament; and it is expedient that, subject to the provisions of this Act, the said order should be confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Order contained in the first schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act, subject nevertheless to the clauses and provisions herein-after contained.

Provisional Order in first schedule confirmed.

2. The compulsory powers of taking the lands described in the schedule to the Provisional Order confirmed by this Act shall not extend to any mines or minerals lying under such lands.

CLAUSE A. Compulsory powers not to extend to mines and minerals.

3. If at any time hereafter the owner of any mines or minerals lying under any of the lands leased or taken under this Act shall be desirous of winning and working any such mines or minerals, then and in such case the local board of health for the district of Merthyr Tydfil shall give up such portion of the land as may be necessary effectually to win or work such mines or minerals; provided that the quantity of such land shall, in case of difference, be determined by an arbitrator to be appointed by the Board of Trade, and the

CLAUSE B. Portion of land to be given up to owners of mines and minerals.

[Bill 212.]

A

A.D. 1870. price or rent to be paid by such owner for the portion of land so given up shall be at the same rate per acre as the price or rent paid by the local board for the land of which it forms a portion.

CLAUSE C.
On agree-
ment to take
lands on
lease power
of compul-
sory power
to cease.

4. In case the said local board shall have at any time either before or after the passing of this Act made or entered into an agreement in writing for the taking on lease of any of the lands set forth and described in the schedule annexed to the said Provisional Order, then the powers contained in this Act for the compulsory purchase and taking of the lands comprised in any such agreement shall not, after the execution thereof by the said local board, be exercised by them, but shall thenceforth absolutely cease and determine. 5 10

CLAUSE D.
Sewer not to
be carried
along the
Taff Vale
Railway.

5. It shall not be lawful for the local board to carry their sewer along the cutting of the Taff Vale Railway, nor to use any part thereof except for carrying the sewer under or across the same, and they shall execute all the work required to be done in connexion with the railway so as not to interfere with the traffic of the line, and to the reasonable satisfaction of the engineer for the time being of the Taff Vale Railway Company. 15

CLAUSE E.
As to land
belonging to
Dr. Carne.

6. If under the powers by this Act conferred upon the local board the said local board shall take any of the lands belonging to John Whitlock Nicholl Carne, D.C.L., they shall take the whole portion thereof which lies to the east of the Taff Vale Railway, and the houses and buildings thereon. 20

CLAUSE F.
Confirming
agreement
between
local board
and Wynd-
ham Lewis,
Esquire.

7. The agreement made between the said local board and Wyndham Lewis, Esquire, and others, and contained in the second schedule to this Act annexed, is hereby confirmed and made binding on all parties thereto. 25

CLAUSE G.
Nothing in
this Act to
exempt local
board from
proceed-
ings for a
nuisance, &c.

8. Nothing in this Act or in the Provisional Order contained in the schedule hereunto annexed shall exonerate the said local board from any indictment, action, or other proceeding for nuisance or damages in the event of any nuisance being caused by them in using, for the purposes of sewage irrigation, any lands acquired under the powers of this Act or the said Provisional Order. 30

Act incor-
porated with
21 & 22 Vict.
c. 98.

9. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act. 35

Short title.

10. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1870 (No. 2.)" 40

The FIRST SCHEDULE referred to in the preceding Act.

MERTHYR TYDFIL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Merthyr Tydfil Local Board of Health, for the Purchase of Lands by the said Board for purposes of Sewage Irrigation.

WHEREAS the Local Board of Health in and for the district of Merthyr Tydfil, in the county of Glamorgan, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land required for the purposes of sewage irrigation :

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon :

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The aforesaid Local Board of Health for the district of Merthyr Tydfil shall be empowered to put in force, with reference to the lands referred to

[§12.]

A 2

and described in the schedule to this order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand, this first day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

5

SCHEDULE referred to in the preceding Order.

The PIECES of LAND proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying 10 the petition of the Local Board aforesaid.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
LANDS TO BE TAKEN.					
1	Meadow, wood, and part of river.	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and Wm. Chas. Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	- - -	Edwd. Purchase.	15
12	Field, pasture - -	Do. - - -	- - -	Do.	
13	Do., wood, and part of river.	Do. - - -	- - -	Do.	30
16	Field, pasture - -	Do. - - -	- - -	Do.	
17	Do. - - -	Do. - - -	- - -	Do.	
3	Field, pasture, wood, and part of river.	Lady Mary Selina Louisa Windsor Clive, guardian of the Rt. Hon. Robt. George Lord Windsor, an infant, and the Rt. Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees.	- - -	William Williams.	35
					40

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	4	Field, arable, wood, and part of river.	Lady Mary Selina Louisa Windsor Clive, guardian of the Rt. Hon. Robt. George Lord Windsor, an infant, and the Rt. Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees —cont.	- - - William Williams.
10	5	Field, pasture, wood, and part of river.	Do. - -	- - - Do.
15	6	Field, pasture - -	Do. - -	- - - Do.
	7	Do. - -	Do. - -	- - - Do.
	9	Do. -	Do. - -	- - - Do.
	10	Do. - -	Do. - -	- - - Do.
20	70	Field, pasture, wood, and part of river.	Wyndham Wm. Lewis	Plymouth Iron Company. Plymouth Iron Com-pany.
25	71	Homestead, field, pasture, wood, and part of river.	Do. - -	Richd. Fothergill and Thomas Alers Hankey. Richd. Fothergill and Thomas Alers Hankey.
	72	Field, pasture, wood, and part of river.	Do. - -	Do. - - Do.
30	84	Common and 2 houses	Trustees of Lord Bute, lord of the manor, John Boyle, and Lieut-Col. Wm. Stuart, Morgan Davies, Robert Davies, and Daniel Watkins Edward Smith, John Williams, Daniel Richard Henry Williams.	- - - Roger Edmonds, Thomas Evans.
35	92	Common - - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. William Steuart.	- - - Do.
40	93	Enclosure, houses, and gardens.	Edward Lewis, Wm. Evans, Evan Jones, and Daniel Meredith, Rees Evans, Hannah Brown.	- - - Wm. Morgan, Wm. Thomas, Sarah Samuel, Wm. Evans, and Wm. Morgan.
45	95	Common - - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. Wm. Stuart.	- - - —
50	96	Do. - - -	- - -	- - - —

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
97	Field, pasture, part of river.	Wm. Jones, Jno. Richards, Jno. Richards Newport, Dd. Richards, Thos. Richards, Wm. Evans, and Jane Morgan, Wm. Richards.	- - -	Wm. Llewellyn.
				5
				10
98	Wood and part river -	Do. - -	- - -	Do.
99	Field, pasture - -	Do. - -	- - -	Do.
100	Do. - -	Do. - -	- - -	Do.
101	Do., wood, and part river.	Do. - -	- - -	Do.
				15
102	Field, arable - -	Do. - -	- - -	Do.
103	Do., pasture, and wood.	Do. - -	- - -	Do.
104	Do., arable - -	Do. - -	- - -	Do.
105	Do., pasture - -	Do. - -	- - -	Do.
				20
106	Occupation road - -	Do. - -	- - -	Do.
107	Field, pasture, wood, &c.	Do. - -	- - -	Do.
108	Do., pasture, home-stead, orchard, &c.	Do. - -	- - -	Do.
109	Field, arable, and wood	Do. - -	- - -	Do.
				25
110	Do. - -	Do. - -	- - -	Do.
111	Do., pasture -	Do. - -	- - -	Do.
112	Do., arable - -	Do. - -	- - -	Do.
113	Do. - -	Do. - -	- - -	Do.
114	Do., pasture -	Do. - -	- - -	Do.
				30
115	Field, pasture, wood, and part of river.	Dr. Nichol Carne	- - -	Thos. Rees.
116	Field, pasture - -	Do. - -	- - -	Do.
117	Wood and part of river	Do. - -	- - -	Do.
118	Field, pasture - -	Do. - -	- - -	Do.
				35
119	Do. - -	Do. - -	- - -	Do.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	121 Field, arable - -	Dr. Nichol Carne	- - -	Thos. Rees.
	122 Homestead, yard, &c. -	Do. - -	- - -	Do.
	123 Field, pasture - -	Do. - -	- - -	Do.
	124 Do. wood, and part of river.	Do. - -	- - -	Do.
	125 Field, arable ditto -	Do. - -	- - -	Do.
10	126 Do. - -	Do. - -	- - -	Do.
	127 Do. do. -	Do. - -	- - -	Do. now or late.
	128 Field, pasture - -	Executors of Nash Vaughan, Edwards Vaughan-Vaughan, H. Lee.	- - -	John Edwards.
15	129 Do. wood, and part of river.	Do. - -	- - -	Do.
	130 Field, arable - -	Do. - -	- - -	Do.
	131 Field, pasture, wood, and part of river.	Do. - -	- - -	Do.
	132 Do. do. - -	Do. - -	- - -	Do.
20	133 Homestead, garden, &c.	Do. - -	- - -	Do.
	135 Field, pasture - -	George Thomas	- - -	Thomas Richards.
	136 Homestead, mill, and occupation road.	Do. - -	- - -	Do.
	137 Field, pasture, wood, and part of river.	Do. - -	- - -	Do.
30	138 Field, wood, water-course, and part of river.	Do. - -	- - -	Do.
	139 Field, pasture - -	Do. - -	- - -	Do.
	140 Wood, land - -	R. T. Crawshay	- - -	R. T. Crawshay.
	141 Field, pasture, and part of river.	Morgan Walters	- - -	Morgan Walters.
35	142 Do. do. -	Do. - -	- - -	Do.
	143 Do. do. -	Do. - -	- - -	Stephen Davies.
	144 Do. do. -	Do. - -	- - -	Hy. Jas. Wiltshire.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
145	Homestead, garden, and and wood.	Morgan Walters	- - - -	Morgan Walters.	
146	Field, pasture - -	Do. - -	- - - -	Do.	5
147	Field, pasture, wood, and part of river.	Do. - -	- - - -	Edwin Phillips.	
148	Field, arable - -	Do. - -	- - - -	Do.	
149	Field, pasture, wood, and part of river.	Do. - -	- - - -	Do.	10
150	Field, arable - -	Do. - -	- - - -	Do.	
151	Field, pasture, wood, and part of river.	Do. - -	- - - -	Do.	
152	Field, arable - -	Do. - -	- - - -	Do.	
153	Field, pasture, wood, and part of river.	Do. - -	- - - -	Do.	15

COMMON OR WASTE LANDS.

No. on Plan.	Description.	Lord of Manor.	Owners of Land adjoining.	Occupiers of Land adjoining.	Name of Common.	
84	Common or waste lands.	Trustees of Lord Bute.	Glamorganshire Canal Co.,	Thos. Richards,	Craig Evan	20
92			Lady Mary Selina Louisa	Thos. Edwards,	Leyshon.	
93	Do.	John Boyle	Windsor Clive, guardian	Edwd. Thomas,		
95	do.	and Lieut. Col.	of The Rt.Hon. Robt. Geo.	Wm. Lewis Rees		25
96	do.	William Stuart.	Lord Windsor, an infant,	Evans, Thomas		
			and the Rt. Hon. The Earl	Jones, John		
			of Bradford and the Hon.	Lewis, Wm. Lle-		
			Thos. Herbert, his trustees,	wellyn, Thomas		
			Harriet Diana Arabella	Sheppard.		
			Mary Richards, Robert			30
			Oliver Jones, her next			
			friend, and William Chas.			
			Luard, her trustees, Chas.			
			Fitzroy and Chas. Alex.			
			Wood, trustees of Rhys			35
			Wingfield, and Lord Dyne-			
			vor, Thomas Evans, Edwd.			
			Williams, Edwd. Thomas,			
			Wm. Jones, Jno. Richards,			
			Jno. Richards, David			40
			Richards, Thos. Richards,			
			Wm. Evans, Jane Morgan,			
			Wm. Richards.			

LANDS FOR CONDUITS TO PASS THROUGH.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	2 Wood - - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander, trustees of Rhys Wingfield.	- - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.
10				
15	8 Wood - - -	Lady Mary Selina Louisa Windsor Clive (Guardian of the Right Hon. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - -	Lady Mary Selina Louisa Windsor Clive (Guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustee.
20				
25				
11	Field, arable, bog -	Do. - -	- - -	Edward Purchase.
14	Do. pasture -	Colonel Tynte -	- - -	Do.
15	Do. - -	Do. - -	- - -	Do.
30	18 Field pasture -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	- - -	Do.
35				
40				
19	Occupation road -	—	- - -	Do.
20	Field, pasture -	—	- - -	Do.
45	21 Do. - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	Nixon, Taylor, and Co.	Nixon, Taylor, and Co.
50				

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
22	Field, pasture, and road to level.	Do.— <i>cont.</i>	Nixon, Taylor, and Co.	Nixon, Taylor, and Co.
23	Aberfan parish road	—	—	5
24	Field, pasture	Trustees of Lord Dynevor; Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	—	Do. Hopkin. 10 15
25	Do.	Do.	—	Do.
26	Do.	Do.	—	David Davies.
27	Two houses, garden, and pasture.	Rowland T. Griffiths	—	Thomas Walker and William Morgan. 20
28	Occupation road	Do.	—	R. T. Griffiths.
29	Field, arable	Do.	—	Do.
30	Wood	Do.	—	Do.
31	Field, arable	Do.	—	Do. 25
32	Do.	Do.	—	Do.
33	Woodland	Do.	—	Do.
34	Field, pasture	Do.	—	Do.
35	Do.	Do.	—	Do.
36	Rough ground and old road.	Lewis Jenkin	—	David Pritchard. 30
37	Field, pasture	Do.	—	Do.
38	Aberfan parish road	Do.	—	Do.
39	Field, pasture	Do.	—	Do.
40	Wood and stony ground	Do.	—	Do. 35
41	Field, pasture	Do.	—	Do.
42	Occupation road	Do.	—	Do.
43	Field, pasture	Do.	—	Do.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupier.
44	Field, pasture	Lewis Jenkin	- - -	David Pritchard.
45	Wood	Do.	- - -	Do.
5 46	Field, pasture	Executors of the late William Foreman, George Hardy, Henry Kebbel, and William Anthony Collins.	- - -	Thomas Parry.
10 47	Do.	Do.	- - -	Do.
48	Do.	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. George Lord Windsor, an infant), and the Right Honble. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - -	David Williams.
15				
20				
49	Do.	Do.	- - -	Do.
25	Rough wood (Clotch)	John Rees, Gwenny Rees, and Thomas John.	—	—
51	Parish road	—	—	—
52	Wood	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Honble. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - -	David Williams.
30				
35				
40 53	Wood	John Jenkins	- - -	Thomas Price.
54	Garden, &c.	Do.	- - -	Do.
55	Field, pasture	Do.	- - -	Do.
56	Do.	Do.	- - -	Do.
57	Do.	Do.	- - -	Do.
45 58	Do.	Do.	- - -	Do.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
59	Wood - - -	John Jenkins -	- - -	Thomas Price.	
60	Do. - - -	John and Lewis Jenkins.	- - -	John Jenkins.	5
61	Field, pasture - -	Do. - - -	- - -	Do.	
62	Do. - - -	Do. - - -	- - -	Do.	
63	Do. - - -	Do. - - -	- - -	Do.	
64	Great Western Railway	Great Western Railway Company.	- - -	G. W. Railway Co.	10
65	Rough ground - -	John and Lewis Jenkins.	- - -	John Jenkins.	
66	Field, pasture - -	Do. - - -	- - -	Do.	
67	Rough land, wood, &c. -	Do. - - -	- - -	Do.	
68	Taff Vale Railway cutting and quarries.	Taff Vale Railway Company.	- - -	Taff Vale Railway Company.	15
69	Rough wood and old road.	The executors of Thomas Jenkins, deceased.	- - -	Thomas Jenkins.	
73	Field, pasture - -	Isaac Jones - -	- - -	Richard Morris.	20
74	House and garden -	Dd. Jenkins - -	Elijah Oldham	Thomas Jones.	
75	Merthyr Basin tram-road.	Executors of late Wm. Foreman, George Hardy, Henry Kebbel, and Wm. Anthony Collins, Plymouth Iron Co., Richard Fothergill, and Thomas Alers Hankey.	- - -	Plymouth Iron Co., Richard Fothergill, and Thomas Alers Hankey.	25
					30
76	Rough ground - -	Dd. Jenkins - -	Elijah Oldham	Elijah Oldham.	
77	House and garden -	Dd. Jenkins - -	Dd. Jones -	Dd. Peters.	
78	Mafen brook and ridge.	Plymouth Iron Company, Rd. Fothergill, and Thos. Alers Hankey.	- - -	Plymouth Iron Company, Richard Fothergill, and Thos. Alers Hankey.	35
79	Field, pasture - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Hon. Robt. Geo. Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees.	- - -	John Gethin.	40
					45

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
80	Turnpike road - -	Turnpike trust -	—	—
81	New church - -	Do. -	—	—
5 82	Common - -	Trustees of Lord Bute, John Boyle, and Lieut-Col. Wm. Stuart.	—	—
83	Turnpike road - -	Turnpike trust -	—	—
10 85	Do. - -	—	—	—
86	Common - -	Trustees of Lord Bute, John Boyle, and Lieut-Col. Wm. Stuart.	—	—
15 87	Turnpike road - -	Turnpike trust -	—	—
88	Garden - -	Henry and John Lewis.	—	Henry Lewis.
89	Common - -	Trustees of Lord Bute, John Boyle, and Lieut. Col. William Steuart.	—	—
20 90	Canal wharf - -	Plymouth Iron Company, Richard Fothergill, and T.A. Hankey.	—	Plymouth Iron Company, Rd. Fothergill, and T. A. Hankey.
25 91	Canal and canal towing path, &c.	Glamorganshire Canal Co.	- - -	Glamorganshire Canal Company.
94	Llanciach branch -	T. V. Railway Co. -	- - -	T. V. Railway Co.
120	Do. Do. -	Do. -	- - -	Do.
30 120 (a)	Two houses, garden -	Dr. Nichol Carne -	- - -	Charles Leat.
115 (a)	Parish road to Aberdare	The Highway Board	—	—
134	Parish road and Cwm-bridge.	The Highway Board	—	—

A.D. 1870.

The SECOND SCHEDULE referred to in the preceding Act.

MEMORANDUM of AGREEMENT made this _____ day of _____
 one thousand eight hundred and seventy, between WYNDHAM WILLIAM LEWIS, Esquire, and THE PLYMOUTH IRON COMPANY of the one part, herein-after called the "Lessors," and THE MERTHYR TYDFIL LOCAL BOARD OF HEALTH (herein-after called "the said Board") of the other part;

Whereby it is agreed as follows:—

1. The said Board to abandon and not to exercise any compulsory powers under the confirming Act herein-after referred to over the lands herein-after particularised, and the lessors to grant and the said Board to accept a lease of the lands numbered 70, 71, 72 on the plan referred to in the schedule to the Provisional Order of the Secretary of State under the Local Government Act, 1858, dated first day of June one thousand eight hundred and seventy, being part of Troedyrhiew Farm, and containing by admeasurement twenty-three acres one rood and twenty-four perches or thereabouts, situate in the parish of Merthyr Tydfil, for a term of twenty-one years from the first day of September one thousand eight hundred and seventy. The yearly rent to be agreed upon, or, failing such agreement, the same to be determined under the provisions of the Lands Clauses Consolidation Act, 1845. The rent to be paid by equal half-yearly payments.

2. The lessors, or either of them, to be permitted to resume possession of, and the said Board to surrender to them, or either of them, all such parts of the lands as the said lessors, or either of them, may from time to time deem necessary for the purpose of sinking shafts, winning, working, getting, converting, and leading away the minerals thereunder, or under any adjoining or adjacent property, or under any property the minerals in which are capable of being worked by means of the property hereby agreed to be granted, such minerals belonging to or hereafter to be acquired by the said lessors, or either of them, or for accommodation works necessary or desirable for such workings and mining operations, or incident to getting, converting, and leading away of such minerals, and for spoil ground and room for tipping rubbish, or for erecting ironworks or other manufactories, and for the construction of all erections necessary for such works or manufactories, and for the erection of houses on building leases, upon receiving six months previous notice in writing from the said lessors, or either of them, or their or either of their agents, such notice to terminate at any period during the term, and such possession to be obtained and such surrender to be made without compensation to the said Board, except an allowance of rent at the same rate per acre per annum for any lands so resumed as is reserved in clause 1 of this agreement, from the time when possession is obtained by the said lessors, or either of them, during the residue of the term: Provided, however, that such notice shall not be required if the lessors, or either of them, compensate all the tenants or occupiers under the

Board for their crops and outgoing tenants claims, the value to be agreed upon, and in the event of disagreement to be settled according to the principles of The Lands Clauses Consolidation Act, 1845. A.D. 1870.

3. The lease to contain all usual and ordinary covenants contained in such leases, and which shall be necessary for carrying out the works of the said Board under the said intended Act, and including power for the said Board to underlet. But it is expressly stipulated that no such underletting, nor any assignment of the said term, shall be made without first giving the offer of the property to be underlet or assigned firstly to the said Plymouth Iron Company, and secondly to the said Wyndham William Lewis, at the same rent and upon the same terms as can be had or is had or obtained from any other person or persons for the same.

It is also hereby declared that, notwithstanding the resumption and surrender of the lands as herein-before provided for, the lessors shall not interfere with the sewers or channels which the Board may construct under the powers now vested in them by The Healths of Towns Acts, but that the said Board may divert, rearrange, or construct and maintain such sewers or channels as easements, in accordance with the provisions of such last-mentioned Acts, and without making any compensation whatever upon any resumption of such lands, or at the termination of the said lease, but that such rights of easements are to be in perpetuity.

Provided further, that if the said lands shall be so resumed, and there shall be a sewer or channel therein, the same may be diverted as the said Board may think fit, at their own cost, at any time through the lands of the lessors, without any compensation to them; and, whether the same shall be so diverted or not, the lessors and each of them may tip spoil rubbish or construct works or buildings over such sewers or channels at their pleasure.

4. This agreement being entered into with the view to the carrying out of a general system of sewage irrigation for the district of the said Board, and the Provisional Order referred to in paragraph 1 of this agreement requiring to be confirmed by Act of Parliament, this agreement is made subject to the passing of such confirming Act and the actual carrying out of such general system of sewage irrigation, provided that the lessees shall have the right to elect whether they will or will not take such lease, and they shall be under no obligation to take the same unless at their own option.

It is expressly stipulated that this agreement shall be scheduled to the said intended Act, or that the first three heads or provisions thereof shall be introduced as a clause into the said Act.

Local Government Supplemental (No. 2.)

A

B I L L

[AS AMENDED BY THE SELECT
COMMITTEE]

To confirm a Provisional Order under
“The Local Government Act, 1858,”
relating to the district of Merthyr
Tydfil.

(Prepared and brought in by
Mr. Knatchbull-Hugessen and
Mr. Secretary Bruce.)

Ordered, by The House of Commons, to be Printed,
12 July 1870.

[Bill 212.]

Under 2 oz.

A

B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Burton-upon-Trent, Chiswick, Derby, Harrogate (two), Kidderminster (two), Kingston-upon-Hull, Northam, Redcar, and Trowbridge. A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the
 5 schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said orders should be so confirmed, and other provisions made with respect to certain districts under the
 10 Local Government Act aforesaid :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

15 1. The Provisional Orders contained in the shedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act. Provisional Orders in schedule confirmed.

2. If the clerk to the commissioners acting under the local Act recited in the Provisional Order for the district of Trowbridge in the county of Wilts in the schedule of this Act contained, part of which Local Act is repealed by the said Order, shall by reason of the transfer of the powers of the commissioners to the local board be superseded, or if his present remuneration shall be affected, or if he
 20 shall be removed from his office, and not be employed and retained

[Bill 188.]

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A.D. 1870. in an office of equal value by the Trowbridge local board, he shall be entitled to have an adequate compensation for the profits, salary, and emoluments of the office which he will cease to hold, the said compensation to be by way of annuity or otherwise, and to be assessed by the Commissioners of Her Majesty's Treasury, upon the report of the said local board, to be made within three months after the said clerk shall have been superseded in his office, founded upon a declaration made by the said clerk setting forth the salary, profits, and emoluments derived by him or his predecessors for every year during a period of five years next before the day when he shall have ceased to hold the office of clerk to the commissioners, and such other evidence as the said local board may require, as to the amount, nature, and particulars of such profits; and in assessing the same regard shall be had to the manner of his appointment to such office, and his term therein; and the said local board shall from time to time pay to such clerk, out of any general district rates, the money which shall upon such report, and any appeal or reclamation against the same, be finally awarded by the Commissioners of Her Majesty's Treasury as the same shall become due and be payable.

20

Power to rector for the time being of the parish of St. Peter-le-Bailey, Oxford, to take down the parish church, and to sell and convey the site thereof to the Oxford local board for public improvements, the money arising from such sale to be applied in building a new parish church in lieu of the church so taken down.

3. Whereas Queen Street in the city of Oxford, and within the district of the local board, is one of the principal streets of that city, and the western end thereof at its junction with the street known as the New Road, within the same city and district, (which streets together form the main thoroughfare to and from the railway stations,) is narrow, and altogether insufficient for the large amount of traffic passing along it, and is also dangerous by reason of the sharp angle at the turning out of Queen Street: And whereas the southern end of New Inn Hall Street, within the same city and district, where it joins Queen Street aforesaid, is also very narrow and inconvenient: And whereas it would be a great public improvement if the church of Saint Peter-le-Bailey, which abuts on the north side of Queen Street and on the west side of New Inn Hall Street aforesaid, were taken down, and a part of the site thereof and of the churchyard belonging and adjoining thereto were thrown into those streets: And whereas it has been agreed between the Oxford local board and the Reverend Henry Linton, rector of the parish of Saint Peter-le-Bailey aforesaid, that the said Henry Linton, in consideration of the sum of one thousand four hundred pounds to be paid to him by the said local board, will (if and when legally enabled so to do) sell and convey to such board so much of the site of the church and churchyard aforesaid as is herein-after described

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A.D. 1870.
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(and is also shown upon a plan which has been deposited with the clerk of the peace for the county of Oxford, and thereon coloured red), to the intent that the same shall be thrown into the aforesaid streets for the widening of the same: And whereas at a meeting of
5 the inhabitants of the parish of Saint Peter-le-Bailey in vestry assembled, held on the nineteenth day of May last, a proposal made by the said Henry Linton for taking down the said existing parish church and building a new church in lieu thereof on a site in New Inn Hall Street aforesaid, within the said parish, which site the
10 said Henry Linton is willing to give for that purpose, was considered and adopted, and at such meeting the sale to the said local board of such parts as aforesaid of the site of the present church and churchyard of Saint Peter-le-Bailey, at the price and for the purposes respectively aforesaid, was also considered and unanimously ap-
15 proved: And whereas it has also been arranged that the said sum of one thousand four hundred pounds shall be paid into the hands of the said Henry Linton, or other the rector for the time being of the said parish, to be applied by him towards the building of such new parish church as aforesaid; but the said sale and arrangements
20 cannot be carried into effect without the authority of Parliament: Be it therefore enacted, that it shall be lawful, at any time within the term of five years from the passing of this Act, for the said Henry Linton, as such rector as aforesaid, or other the rector of the said parish of Saint Peter-le-Bailey for the time being, (with the
25 consent of the patrons or owners of the advowson of the rectory of Saint Peter-le-Bailey and of the bishop of the diocese,) to take down the said parish church, and to sell and alienate, and by deed under his hand and seal to convey unto the local board of Oxford, for the purposes of such public improvement as aforesaid, and no other, and for such board for such purposes to buy for the
30 sum of one thousand four hundred pounds, to be paid to him the said Henry Linton or other the rector for the time being as aforesaid, (whose receipt for the same sum shall fully discharge the said local board from and from all liability to see to the application of
35 the said purchase money,) all that part of the site of the present church and disused churchyard of Saint Peter-le-Bailey in the city of Oxford, having a frontage from west to east in Queen Street aforesaid of seventy-two feet, and a frontage from north to south in New Inn Hall Street aforesaid of one hundred and thirteen feet,
40 and containing in the whole two hundred and six square yards or thereabouts, and the fee simple thereof in possession: And be it also enacted, that the consent of the said patrons or owners and bishop respectively aforesaid shall be sufficient, if signified by some

A.D. 1870. writing under their respective hands before the execution of the deed of conveyance.

Act incor- 4. This Act shall be deemed to be incorporated with the Local
porated with Government Act, 1858, and shall be as if this Act and the said
21 & 22 Vict. Local Government were one Act. 5
c. 98.

Short title. 5. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1870 (No. 3)."

S C H E D U L E. 10

1. BURTON-UPON-TRENT.—Alteration of Local Act.
2. CHISWICK.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
3. DERBY.— Do. Do.
4. HARROGATE.— Do. Do. 15
5. HARROGATE.—Altering boundaries of district.
6. KIDDERMINSTER.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
7. KIDDERMINSTER.—Extension of borrowing powers.
8. KINGSTON-UPON-HULL.—Alteration of Local Acts. 20
9. NORTHAM.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
10. REDCAR.—Altering boundaries of district.
11. TROWBRIDGE.—Alteration and partial repeal of Local Act.

A.D. 1870.

BURTON-UPON-TRENT.

Provisional Order for the Alteration of the Town of Burton-upon Trent Act, 1853, in force within the District of the Burton-upon-Trent Local Board.

5 WHEREAS the Commissioners acting in execution of a certain Local Act of Parliament passed in the sixteenth and seventeenth years of the reign of Her Majesty Queen Victoria (cap. 118), intituled "An Act for more effectually
10 "improving the Town of Burton-upon-Trent, in the County of Stafford," have duly adopted the Local Government Act, 1858, in and for the said town of Burton-upon-Trent.

And whereas the said Commissioners have, under the powers of the said Local Act, section 32, taken and now hold a lease from the lord of the manor of the market held within the said town, and of tolls taken within the same, or at any fair, or at any other time within the said town, and are now
15 in negotiation with the owner of such market and tolls for the absolute purchase thereof.

And whereas, in the event of such purchase being completed, it is expedient that the Commissioners should be empowered to frame a new table of tolls, to be approved by one of Her Majesty's Principal Secretaries of State,
20 and to improve and regulate, in other respects authorized by the Local Government Act, the said market and fairs, and to this end that the parts hereunder specified of the said Local Act should be altered as herein-after provided.

And whereas the said Commissioners acting as a Local Board under and for the purposes of the Local Government Act have, in pursuance of the said
25 Act, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for such alteration of the said Local Act, being an Act in force within the said district having relation to the purposes of the Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit, and
30 for other purposes in such petition set forth.

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said district by Arnold Taylor, Esquire, the inspector appointed for such purpose, in respect of the several matters mentioned in the said petition.

35 And whereas it appears expedient, to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, and in pursuance of the powers vested in me by the Local Government Act,
40 1858, do, by this Provisional Order under my hand, direct—

That from and after the passing of any Act of Parliament confirming this Order,—

1. So much of the 33rd section of the said Local Act as empowers the Commissioners to collect and receive the usual and accustomed tolls apper-

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A.D. 1870.

taining to such market as they think proper shall be repealed; and in lieu thereof be it enacted, that the said Commissioners shall be empowered to exercise within the said district all the powers conferred by the 50th section of the Local Government Act, 1858, as if the consent of the owners and ratepayers to such exercise had been expressed by resolution 5 in the manner therein provided. But no notice of opening, or certificate of fitness of the present market place adjoining the High Street, and in Abbey Street, under the incorporated provisions of the Markets and Fairs Clauses Act, 1847, shall be requisite.

2. In the exercise of such powers, and in the carrying into effect of the 10 said 50th section in the said district, fairs shall be included with markets, and the said section shall be read as if fairs were included with markets in the operation thereof.
3. The 50th section of the Local Government Act, and the thereby in- 15 corporated provisions of the Markets and Fairs Clauses Act, 1847, as well as those already incorporated by the said Local Act, shall apply to the maintenance, removal, regulation, and improvement of such market (and fairs as included therewith) when purchased by the Commissioners, and shall authorise the Commissioners to take down and remove the existing erections of such market, and to purchase land for enlarging the present 20 market-place adjoining the High Street, and for a new market place or places for cattle, separate and apart from the High Street Market, when the present site now used for a cattle market in Abbey Street shall be abandoned, and to prohibit the sale of cattle in the High Street Market.
4. Such purchase of the existing markets, fairs, and tolls, and the pur- 25 chase of land as aforesaid, and the erection of market buildings and conveniences thereon, and making approaches thereto, and otherwise appertaining thereunto, shall be deemed purposes for which money may be borrowed by the Commissioners as a Local Board under the provisions of the Local Government Act, either on the rates of the district, or on 30 tolls and profits of the said markets and fairs.
5. The making of a new table of stallages, rents, and tolls by the Com- missioners for cattle, articles, and things brought into the market place or places, house or houses, and at fairs in the district, as well as for weighing and measuring, and to be specified in such table, shall be autho- 35 rised, as also the changing or varying of the stallages, rents, and tolls from time to time, in like manner, and with the like approval as if the same were a new market established under the said Local Government Act.
6. As regards the allowance of any byelaws which the Commissioners may 40 make from time to time, the Local Government Act, 1858, shall be deemed the special Act within the meaning of the said Markets and Fairs Clauses Act, 1847.
7. Provided always, that until such purchase as aforesaid be completed the 45 provisions of the Local Act applicable to markets, fairs, and tolls shall continue in force; and that after such purchase the usual and accustomed tolls appertaining to the market and fairs purchased shall still

be collected, received, and recovered by the Commissioners, until the new table of stallages, rents, and tolls be framed and approved, in pursuance of the said Local Government Act and this Order. A.D. 1870.

8. In their application to markets, fairs, and tolls the said Local Act shall be construed with the said Local Government Act.

9. Stallages, rents, and tolls payable after such new table is approved in manner aforesaid shall be recoverable by distress and sale of the cattle or articles liable to toll, or being in the market or fair in the possession or under the charge of the person liable to pay the toll. And such sale shall take place as soon as conveniently may be after four days from the day of distraining; and the reasonable charges of seizure, detention, maintaining, and sale shall be added to the amount demandable, and be recovered therewith accordingly.

Given under my hand, this seventeenth day of June in the year one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

CHISWICK.

Provisional Order empowering the Chiswick Local Improvement Commissioners. to put in force the Lands Clauses Consolidation Acts, for the Purchase of Lands by the said Commissioners for Main Sewerage and Sewage Outfall.

WHEREAS the Improvement Commissioners in and for the parish of Chiswick, in the county of Middlesex, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Commissioners, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Acts, to enable the aforesaid Commissioners to purchase certain pieces of land, hereditaments, and premises, for the purpose of Main Sewerage and Sewage Outfall:

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land, hereditaments, and premises, intended to be taken by such Commissioners for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands, hereditaments, and premises who have assented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Commissioners; and such petition prayed that the said Commissioners might, with reference to such lands, hereditaments, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Acts aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Ma-

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A.D. 1870. jesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the said parish, and the said Inspector has now inquired in the parish aforesaid into the subject matter of such petition, and has duly reported to me thereon :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, 5 do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Improvement Commissioners for the parish of Chiswick in the county 10 of Middlesex shall be empowered to put in force, with reference to the land, hereditaments, and premises referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than 15 by agreement for the purpose herein-before set forth.

Given under my hand, this [sixth day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

The SCHEDULE referred to in the foregoing Order.

The pieces of Lands, Hereditaments, and Premises proposed to be taken are the following, 20 and the numbers in Column 1 refer to those on the Plan accompanying the Petition of the aforesaid Improvement Commissioners.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees.	Occupiers.	25
1	Stone steps in front of " Bell and Crown " public-house.	John Bird Fuller, Henry Smith, and John Turner.	- - -	William Marshall.	
2	Stone steps opposite Zachery House.	— Woodin - -	- - -	Richard Arundell.	30
3	Stone steps opposite Springfield House.	Horace Charles Lloyd - -	- - -	Richard Kelly.	
4	Stone steps opposite private house in occupation of Mr. Draper.	R. Hall - - -	- - -	William Draper.	35
5	Stone steps opposite " Ship " inn yard.	William Thrale Sich, Francis Sich, and Arthur Sich.	- - -	Edna Harridine.	
6	Stone steps opposite private house in occupation of Mrs. Fenton.	W. Clayton - -	- - -	Frances Louisa Fenton.	40
7	Crane platform and steps -	F. C. Childs - -	Conservators of the River Thames.	Conservators of the River Thames.	

No. on Plan.	Description.	Owners or reputed Owners.	Lessees.	Occupiers.
5	8 Wooden steps in front of premises in occupation of Messrs. Talbot.	Mrs. Treagle - -	- - -	Robert Talbot and John William Talbot.
	9 Stone steps opposite premises in occupation of Mr. Jeffreys.	William Jeffreys - -	- - -	William Jeffreys.
10	10 Wooden platform in front of premises in occupation of James Richardson.	Sarah Feesey - -	Messrs. Carrington and Company.	James Richardson.
15	10a Land under the railway bridge over River Thames.	Conservators of the River Thames, London and South Western Railway Company.	- - -	London and South Western Railway Company.
20	11 Stone steps opposite "Bull's Head."	The executors of the late Henry Sich.	William Thrale Sich, Francis Sich, and Arthur Sich.	John Milross.
	12 Steps facing passage nearest to Mr. Ramsay's House.	Chiswick Improvement Commissioners.	- - -	Chiswick Improvement Commissioners.
25	13 Stone steps opposite premises in occupation of D. A. Ramsay.	Elizabeth Atkyns - -	David Allen Ramsay -	David Allen Ramsay.
30	14 Public road and level crossing near Chiswick Station.	Chiswick Improvement Commissioners, London and South Western Railway Company.	- - -	London and South Western Railway Company.
	15 Pasture land known as the Avenue.	His Grace the Duke of Devonshire.	- - -	Frederick Tappenden.
	16 Pasture land known as Corney Mead.	The same - - -	- - -	The executors of George Chapman.
35	17 House, stables, sheds, and lands.	The same - - -	- - -	The same.
	18 Private road - -	The same - - -	- - -	The same.
	19 Land and premises - -	The same - - -	- - -	Elizabeth Anstiss.
	20 Land and premises - -	The same - - -	- - -	The same.
40	21 Foreshore of the River Thames at Strand-on-the-Green.	Conservators of the River Thames.	—	—
45	22 Foreshore of the River Thames facing premises in occupation of executors of George Chapman.	The same.	—	—

A.D. 1870.

DERBY.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Derby Local Board of Health, for the Purchase of Lands by the said Board for Improvement of St. Peter's Street.

5

WHEREAS the mayor, aldermen, and burgesses of the borough of Derby in the county of Derby, by the council of the said borough acting as the Local Board of Health in and for the said borough, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land and premises for the purpose of widening, altering, and improving a certain street within the aforesaid borough, that is to say, Saint Peter's Street.

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land and premises intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land and premises who have assented, dissented, and are neuter in respect of the taking such pieces of land and premises, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such land and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., C.E., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The aforesaid Local Board of Health for the district of Derby shall be empowered to put in force, with reference to the lands and premises referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand, this sixth day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE. 45

SCHEDULE referred to in the preceding Order.

The LAND and PREMISES proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

5	No. on Plan.	Description of Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
EASTERN SIDE OF ST. PETER'S STREET.					
10	1	Shop and printing offices, with rooms over and over passage; also ashes-pit and out-house fronting the yard of late "Nag's Head" Inn.	Mary Thornton	- - - -	Leonard Brookes.
15	2	Cottage and room over, in yard.	Leonard Brookes	- - - -	Leonard Brookes.
20	2a	Passage, back way to "The Anchor" and other premises (Right of way).	Thomas Boden Forman, Leonard Brookes.	- - - -	Robert Blunt, Leonard Brookes.
25	3	"The Anchor" inn, house, brewhouse, yard, and outbuildings.	Thomas Boden Forman.	- - - -	Robert Blunt.
30	4	House, shop, yard, passage, bakehouse, and outbuildings.	Edward Johnson	- - - -	John Watson.
	5	House, shop, yard, passage, and outbuildings.	Edward Johnson	- - - -	William Kirk.
	6	House, shop, yard, and outbuildings.	Edward Johnson	- - - -	Lucy Anne Prince.
	7	House, shop, workshops, yard, and outbuildings.	Robert Seal	- - Edward Johnson.	Edward Johnson.
35	8	House, shop, yard, and outbuildings, with right of passage and yard.	Emma Shemwell, John Henry Lovatt.	- - - -	Eliza Bower.
40	9	House, shop, workshops, and right of passage and yard.	William Kirby, as trustee of the late William Kirby the elder, deceased.	- - - -	William Kirby.
	10	House, shop, outbuildings, and right of passage and yard.	John Tempest Morley	- - - -	Bryan Barnes.

No. on Plan.	Description of Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	
11	"Durham Ox" inn, house, stabling, outbuildings, and right of passage and yard.	John Tempest Morley	- - -	Bryan Barnes, John Warwick.	5
12	House, shop, warehouse, outbuildings, and right of passage and yard.	John Tempest Morley	- - -	Robert Milne.	10
WESTERN SIDE OF ST. PETER'S STREET.					
13	House, shop, workshop, and yard.	William Richardson	- - -	Joseph Jennings.	
14	Warehouse - -	William Richardson	- - -	Joseph Jennings, William Kirby.	15
15	Long passage to houses and yard (Right of way).	William Large, Alfred Clarke, William Richardson.	- - -	-	
16	Shops - - -	Alfred Clarke	- - -	Alfred Clarke.	
17	House and shop -	Alfred Clarke	- - -	Samuel Bloor.	20
18	Portion of graveyard -	The vicar and churchwardens of St. Peter's parish, and trustees of the church.	- - -	The vicar and churchwardens of St. Peter and trustees of the church.	25
19	St. Peter's churchyard (Right of way to premises).	George Gascoyne, John Allen, Hannah Jackson, Elizabeth Moore, James Shackleton.	- - -	-	30
20	House, shop, show rooms, and outbuildings.	James Shackleton	- - -	James Shackleton.	
21	"Green Man" passage (Right of way to premises).	James Shackleton, Elizabeth Moore, executor of late James Hollingworth, (Thomas Hollis).	- - -	-	35
22	House, shop, and outbuildings	Executor of late James Hollingworth.	- - -	John Smithard.	
23	House, shop, and outbuildings.	Executor of late James Hollingworth.	- - -	Sarah Anne Smithard, Charlotte Jane Smithard.	40

A.D. 1870.

HARROGATE.

Provisional Order empowering the Harrogate Local Board to put in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the said Board for the Storage of Mineral Waters.

WHEREAS the Improvement Commissioners acting as the Local Board in and for the district of High and Low Harrogate, in the county of York, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Commissioners and Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for the storage of mineral waters:

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of High and Low Harrogate, in the county of York, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purposes herein-before set forth.

Given under my hand, this sixth day of June, one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

No. on Plan.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
5	90 Grass field, exhausted quarry, footpath, and watercourse.	William Seaman Vawdrey	- - - - -	William Seaman Vawdrey and Joseph Morrit.
	91 Garden plot, grass field, buildings, and watercourse.	Charles Brunton	- - - - -	James Roberts.
10	93 Grass field and watercourse.	Thomas Collins	- - - - -	John Layfield.
15	95 Part of Stray of 200 acres, known by the name of the "Bog Field," public footpaths, carriage road, and watercourse.	William Sheepshanks, Thomas Sheepshanks, George Barber Paley, R. S. Paley, and John Dury, trustees of the late John Green Paley, Emma Bayley, Surrey Edward Samuel Carpenter, and Edward Trewbody Carlyon, trustees of Mrs. — Cookworthy, John Sotheran, George Sotheran, Basil Thomas Woodd, Charles Woodd, Robert Ballard Woodd, Elizabeth Bower, Joshua Bower, Thomas Bower, John Richard Bower, and Robert Willam Bower, devisees in trust and executors of the late Joshua Bower, William Watson, Joseph Holt, The Baroness de Bois de Ferriere, Elizabeth Emmatt and Mary Ann Emmatt, Stephen Bradley, junior, Thomas Allanson Benson, Sarah Carter, Leonora Carter, Arabella Carter, Rebecca Ann Carter, Richard Carter, Ann, wife of Thomas Wilkinson, Joshua Hardisty Wilkinson, John Harrison, Thomas Gascoigne, Elizabeth Lupton.	- - - - -	James Roberts.
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A.D. 1870.

HARROGATE.

Provisional Order for altering the Boundaries of the District of the Harrogate Improvement Commissioners, in the County of York, under the Provisions of the Local Government Act, 1858.

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WHEREAS petitions have been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, by the Improvement Commissioners, acting as the Local Board in and for the district of High and Low Harrogate, in the county of York, praying for an alteration of the existing boundary of the said district, as set forth in such petitions and shown on the plan accompanying such petitions and coloured pink on such plan :

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the matters mentioned in the said petitions, and report has been duly made to me thereon by Robert Morgan, Esquire, the Inspector appointed by me for such purpose :

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament :

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct—

That from and after the passing of any Act of Parliament confirming this Order—

- 1.—The district of the Harrogate Improvement Commissioners, in the county of York, shall be altered by there being added thereto the lands called "West End Park," consisting of six fields in the townships of Knaresboro', Scriven with Tentergate and Pannal, all in the parish of Knaresboro' and Pannal, and numbered 4, 9, 1018, 1019, 1020, and 1023 on the several township plans, bounded on the north and east by the Harrogate Improvement district, on the south by a public footpath leading from the Leeds turnpike road to Green Lane, and on the west by land belonging to Mr. Joshua Wright.
2. At every election of the Commissioners of the district of High and Low Harrogate aforesaid which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the Harrogate Improvement district as altered by this Order, and by the votes of owners of and ratepayers in respect of property situate within the district so altered as aforesaid.

Given under my hand, this sixth day of June in the year one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

A.D. 1870.

KIDDERMINSTER.

Provisional Order empowering the Kidderminster Local Board to put in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the said Board for Sewage Irrigation purposes.

WHEREAS the Town Council, acting as the Local Board in and for the district of the borough of Kidderminster, in the county of Worcester, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for the utilization of sewage by irrigation without their district :

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such board for such purposes, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such board ; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement ; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of the borough of Kidderminster, in the county of Worcester, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes herein-before set forth.

Given under my hand, this thirteenth day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the purposes set forth in the preceding Order are the following. The figures in the first column refer to those on the plan accompanying the Petition of the aforesaid Local Board.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.	5
PARISH OF KIDDERMINSTER BOROUGH.					
1	Meadow called Finger Post Meadow (part of), containing 1 rood or thereabouts	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Thomas Lea.	10
PARISH OF KIDDERMINSTER FOREIGN.					
2	Back Brook	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	William Earl of Dudley, Isaac Hampton.	
3	Field and private road to Carpet Mills, containing 240 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Isaac Hampton - -	Isaac Hampton.	15
4	Field (part of), containing 1660 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.	20
5	Field (part of), containing 1600 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.	
6	Field (part of), containing 1800 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.	25
7	Field, (part of) containing 2050 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.	30
8	River Stour below Falling Sands Weir.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Messrs. Thompson, Hatton, and Morgan.	
9	Field (part of), containing 1420 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin	35
10	Private road to Rolling Mills, Falling Sands, containing 180 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Messrs. Thompson, Hatton, and Morgan.	Messrs. Thompson, Hatton, and Morgan.	40
11	Field (part of), containing 3 acres or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - - - -	Edward Austin.	
12	Hoo Brook	- - - -	- - - -	- - - -	
13	Field, containing 12½ acres or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	George Laight.	45

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
PARISH OF STONE.				
5 10	14 Field and Boundary between Parishes of Kidderminster Foreign and Stone, containing 70 A. 3 R. 30 P. or thereabouts.	Margaret Anne Bernard, Emma Katharina Baker, Caroline Sarah Baker, Charles Bernard, Thomas Barwick Lloyd Baker, Slade Baker, Thomas De Haney Bernard.	Edward Henry Crowther -	Edward Henry Crowther.
PARISH OF HARTLEBURY.				
15	15 Field and boundary between parishes of Stone and Hartlebury containing 2 A. 1 R. 8 P. or thereabouts.	Elizabeth Chellingworth, Thomas Parry.	Samuel Griffin - -	Samuel Griffin, Samuel Cooper.
20	16 Field, containing 6 acres or thereabouts.	Thomas Banks - -	- - - -	Joseph Turley.
25	17 Dole Meadow, containing 13 A. 3 R. 29 P. or thereabouts.	Ann Williams - Thomas Wheeler - Mrs. Underwood - Elizabeth Chellingworth - Governors of Hartlebury School - Jane Lewis - -	George Griffin - - - - - - - - - - - - - - - - - - Thomas Wheeler -	Samuel Cooper. Joseph Cook. Samuel Cooper. Samuel Cooper. Joseph Moule. Joseph Cook.
30	18 Field called the Marsh, with House and Buildings, containing 3 acres or thereabouts.	Thomas Banks - -	- - - -	Joseph Turley.
35	19 Field called the Marsh, containing 3 A. 1 R. 2 P. or thereabouts.	Thomas Wheeler - -	- - - -	Joseph Turley.
40	20 Field called the Marsh, containing 3 A. 0 R. 2 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
45	22 Field called the Hither Marsh, containing 6 A. 2 R. 8 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
50	23 Field called the Further Marsh, containing 3 A. 1 R. 23 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
55	24 Field called Marsh Meadow, containing 1 A. 2 R. 2 P. or thereabouts.	Thomas Winwood -	- - - -	Thomas Williams.
	25 Field called Upper and Lower Marsh, containing 4 A. 3 R. 34 P. or thereabouts.	Sarah Martin - -	- - - -	Samuel Cooper.
	26 Field called Sylvester Marsh, containing 2 A. 2 R. 4 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
	27 Field called Bedwell's Coppice, containing 2 A. 1 R. 18 P. or thereabouts.	William Earl of Dudley, Thomas Legh Cloughton, and David Melville.	Ann Hill - -	William Newman, James Williams.
	28 River Stour - -	William Earl of Dudley, Thomas Legh Cloughton, and David Melville.	- - - -	Messrs. E. P. and W. Baldwin.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.	
29	Field called Lay Field, containing 6 A. 0 R. 16 P.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.	5
30	Field called Grandfather's Pleck, Ell Meadow, Lay Field, containing 16 A. 1 R. 28 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.	
31	Road from Wildon to Oldington Bridge.	Surveyors of Highways of the Parish of Hartlebury.			10
32	Field called Hammerman's Moore, containing 7 acres or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.	15
33	Meadow containing 9 A. 3 R. 25 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.	
34	Old River Stour.				
35	Old River Stour - -				20
36	Field called Mitton Meadow, containing 14 A. 2 R. 28 P. or thereabouts	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.	
37	Field, containing 3 A. 3 R. 15 P. or thereabouts -	William Talbot - - -	- - - -	John Field and Edward Field.	25
38	Field, containing 4 A. 1 R. 13 P. or thereabouts -	Thomas Lea - - -	- - - -	William Mann.	
39	Field, containing 15 A. 2 R. 28 P. or thereabouts -	William Talbot - - -	- - - -	John Field and Edward Field.	
40	Field, containing 2 A. 2 R. 24 P. or thereabouts -	Thomas Lea - - -	- - - -	William Mann.	30
41	River Stour below Wildon Iron Works - -				
PARISH OF KIDDERMINSTER FOREIGN.					35
42	Field, containing 9 A. 1 R. 11 P. or thereabouts -	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	George Laight.	
43	Field, containing 7 A. 3 R. 6 P. or thereabouts -	William Earl of Danley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.	40
44	Field, containing 7 A. 1 R. 1 P.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Humphrey Laight.	
45	Garden, 1 rood - -	William Earl of Dudley, Thomas Legh Claughton, and David Melville.			45
46	Road from Wildon to Oldington Bridge - -	The Kidderminster District Highway Board.			
47	Old River Stour - -	William Earl of Dudley, Thomas Legh Claughton, and David Melville.			50

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
5 48	Field, containing 18 A. 0 R. 19 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
49	Field, containing 12 A. 1 R. 24 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
10 50	Field, containing 7 A. 2 R. 10 P.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.

KIDDERMINSTER.

Provisional Order for extending the borrowing Powers of the Kidderminster Local Board.

- 15 WHEREAS the Town Council, acting as the Local Board for the district of the borough of Kidderminster, in the county of Worcester, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the utilization of the sewage of their district, and the said Board have, under the authority of the seventy-eighth section of the Local
- 20 Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has already been sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act
- 25 within the district:

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

- 30 Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

- 35 That from and after the passing of any Act of Parliament confirming this present Order,—

- The Local Board for the district of the borough of Kidderminster, in the county of Worcester, shall have power to borrow for the execution and completion of works for the purpose aforesaid and other works of a permanent nature, on mortgage of the rates leviable by the said
- 40 Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans
- [188.]

A.D. 1870.

already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

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Given under my hand, this thirteenth day of June, one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

KINGSTON-UPON-HULL.

Provisional Order for the repeal and alteration of parts of Local Acts in force within the District of the Kingston-upon-Hull Local Board of Health.

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WHEREAS the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the borough (herein-after called the Local Board), and acting in execution of the Kingston-upon-Hull Improvement Act, 1854, (herein-after called the Improvement Act,) and the Supplemental Act, thereto, 26th and 27th Vict. c. 32., have, under the provisions of the Local Government Act, 1858, presented a petition to me as one of Her Majesty's Principal Secretaries of State, under the powers conferred upon them in that behalf by the 77th section of the Local Government Act, 1848, praying for the repeal and alteration of parts of the said Acts and other Acts therewith incorporated :

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And whereas it appears expedient to issue a Provisional Order in relation to the matter of the said petition, but no such order can be valid without confirmation by Parliament :

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Now therefore, in pursuance of the powers by the Local Government Act, 1858, vested in me, I as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

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1. The "Kingston-upon-Hull Improvement Act, 1854," shall be amended as follows, and shall be read and have effect accordingly; that is to say, The 68th section of the said Improvement Act shall be repealed.
2. The first section of the 26th and 27th Vict. c. 32., confirming a certain Provisional Order amending the said Improvement Act, by incorporating into it the following provisions of the "Towns Improvement Clauses Act, 1847," that is to say, sections 47 to 56 both inclusive, and also sections 57 to 63, both inclusive, shall be repealed.
3. The second and third sections of the said 26th and 27th Vict. c. 32., confirming such said Provisional Order and providing for the recovery

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of the expenses incurred or to be incurred in the making of certain streets, therein referred to, shall be repealed. A.D. 1870.

4. The following provisions of the "Towns Improvement Clauses Act, 1847," shall be incorporated with the said "Kingston-upon-Hull Improvement Act, 1854, that is to say, certain sections 'with respect to paving and maintaining the streets,' being sections 47 to 52, both inclusive, sections 54 to 66, both inclusive; and certain sections with respect to laying out new streets, being sections 57 to 63, both inclusive.

5. If any highway, street, road, or way, or any part or parts thereof, situate within the area of jurisdiction of the said Local Board, which has not heretofore been declared by resolution of the said board a public highway repairable by the board, be not entirely and wholly sewered, levelled (which shall include lowering or raising the level of the same), paved, flagged, and channelled, or otherwise made good to the satisfaction of the Local Board, the Local Board may, by notice in writing under the hand of their clerk for the time being, addressed to the respective owners or occupiers of the lands, houses, hereditaments, and premises fronting, adjoining, or abutting upon such parts thereof as may require to be secured, levelled, paved, and flagged, or channelled, respectively, require such owners or occupiers, within one calendar month from the date of such notice, to secure, level (as aforesaid), pave, flag, and channel, or otherwise make good, and to their satisfaction, as aforesaid, the highway, street, road, or way, or part or parts thereof, accordingly, and if the same be not so secured, levelled, as aforesaid, paved, flagged, or channelled, or otherwise made good, in accordance with the terms of such notice, to the satisfaction of the board, within the time aforesaid, then, and upon the expiration of the said one calendar month from the date of such notice, the said Local Board may, if they shall think fit, thereupon cause the works mentioned or referred to in such notice to be executed, done, and performed, at such places or place specified in such notice, in such manner as they may see fit; and the expenses incurred by the said Local Board in respect thereof shall be repaid to them, their successors and assigns, by the owners of such said lands or houses, buildings and premises respectively, in default, according to the frontage of their respective premises, and in such proportion as shall be fixed by the board's surveyor for the time being, and be recoverable, with interest thereon respectively, at the rate of five per cent. per annum, from such said owners or occupiers respectively, by the said Local Board, their successors and assigns in manner herein-after mentioned.

PROVIDED ALWAYS, that upon payment to the said Local Board, their successors and assigns, of such expenses, and if the Local Board shall accept and declare such turnpike road, highway, street, or way, or parts or part thereof, to become a public highway, thenceforth, then and thereafter, such said highway, street, road, or way, or such part or parts thereof as aforesaid, shall from thenceforth be repairable by the said Local Board out of the rates levied by them for the repairs of public highways under the said Improvement Act.

A.D. 1870.

6. The 82nd section of the said Improvement Act shall be repealed, and in lieu thereof be it enacted:—That if any causeway, footway, or side way of any highway, street, or way, whether the same highway, street, or way has been declared a highway or not, before or since the passing of the said Improvement Act, which has not heretofore been flagged or formed 5 with materials of such width or otherwise to the satisfaction of the Local Board, then the said Local Board may, by notice in writing under the hand of their clerk for the time being, addressed to the respective owners or occupiers of the lands, houses, buildings, and premises adjoining or abutting upon the said causeway, footway, or sideway, require such 10 owners or occupiers, within one calendar month from the date of such notice, to flag or form the same to the extent of their respective frontages thereto, of such materials and of such width as the said Local Board may think fit. And the said Local Board shall have the like power and authority with respect to any such causeway, footway, or sides, as to the 15 materials or width of which they may disapprove, as is contained in section 5 herein-before mentioned; and if the same causeway, footway, or sides be not so flagged or formed or otherwise made good, in accordance with the conditions of such notice, then, and upon the expiration of the said one calendar month, the said Local 20 Board may cause such causeway, footway, or sideway to be so flagged or formed or otherwise made good, in such manner as they shall see fit; and the expenses incurred by the Local Board in respect thereof shall be repaid to them by the owners or occupiers of the lands, houses, buildings, and premises adjoining or abutting upon such said 25 causeway, footway, or sideway respectively, according to and to the extent of their respective frontages thereto, and in such proportion as may be settled by the surveyor of the board for the time being, with interest thereon respectively after the rate of 5*l.* per cent. per annum, in the manner and under the provisions herein-after mentioned. 30
7. For the purposes of the provisions herein contained, all the expenses incurred or to be incurred by the Local Board under the same respectively shall be deemed to be so respectively incurred, and shall be due and payable to the said Local Board, so soon as the said Local Board by resolution shall determine to proceed with the several works referred to in such 35 several provisions respectively, or in any or either of them, as the case may be, and shall give such notice as aforesaid, and such expenses, and interest thereon after the rate of 5*l.* per cent. per annum from the date of such notice, shall be immediately thereupon recoverable by the Local Board, their successors or assigns, as liquidated damages, from the said 40 owners or occupiers in a summary manner, before any justice of the peace of and for the borough of Kingston-upon-Hull, within six years from the date of such notice by the said Local Board, their successors and assigns.
8. Provided always, that for the purposes of the recovery thereof by the Local Board, the amount of such expenses shall be estimated by their 45 surveyor for the time being, and the amount so estimated shall be so recoverable as aforesaid by the said Local Board, their successors and

assigns, but without prejudice to the recovery by them thereafter of any sum by which the actual amount of such expenses exceeds the amount so estimated. A.D. 1870.

9. The statement of frontage in any of the foregoing notices shall be binding and conclusive upon all parties, unless any objection thereto is stated to the surveyor for the time being of the board by any owner or occupier of premises within one calendar month from the date of such notice; and the said owner or occupier shall be liable to the Local Board for all charges to which an owner or occupier is liable in respect of such frontage.

10. Provided always, that any owner or occupier by whom payment has been made under notice as aforesaid be empowered to recover from the owners or occupiers of frontage wrongly included in such notice as frontage for which he is liable, as liquidated damages, before any such justice of the peace as aforesaid, any amount paid by him in respect of frontage belonging to the owners or occupiers of such frontage, according to the proportion borne by their frontage to his frontage. Provided also, that notice has been given by him to the owner or occupier of whom he claims repayment similar to that given to him by the said Local Board.

11. The 103rd section of the Improvement Act shall be repealed, and in lieu thereof, be it enacted:—Any person who, without the consent of the Local Board, shall build, rebuild, make, clear out, unstop, or in anywise alter any building, messuage, tenement or dwelling house, sewer, drain, privy, cesspool or ashpit respectively, or do any other work therein or thereupon, in contravention of any Act administered by the Local Board, or in alteration of plans which have been approved of by the said board, or contrary to the orders of the said board made under any of the powers vested in them by law, shall for every such offence forfeit a sum not exceeding 5*l.*, and for every day after the first during which the offence continues a sum not exceeding 10*s.* And the Local Board may further in such case at once alter and amend any such work, tenement, or other work, as they think fit, and the expense attending any such amendment or alteration shall be recoverable as liquidated damages in the mode and manner herein-before provided.

12. The 115th section of the Improvement Act shall be repealed, and in lieu thereof be it enacted:—That the Local Board from time to time may make, alter, and repeal byelaws, rules and orders, for the following purposes:—

First, for licensing a sufficient number of master porters, porters, master lumpers, lumpers, master stevedores, stevedores, coal carriers, water carriers, truckmen, carmen and labourers, hucksters, porters' carts, coal carts, trucks, water carts, and all other carts and carriages, matters and things, and other persons, to be let or ply for hire within the borough:

Secondly, for regulating such master porters, lumpers, stevedores, porters, porters' carts, coal carriers, coal carts, trucks, water carts,

A.D. 1870.

- and other carts and carriages, and in what manner the same shall be provided :
- Thirdly, touching the messages, goods, parcels and things, to be carried and conveyed by such master porters, porters, carriers, truckmen and carmen, or any of them : 5
- Fourthly, touching the quality and measure of coals to be carried by such coal carriers, and the weighing and measuring thereof on delivery :
- Fifthly, for preventing frauds in the sale of coals and water :
- Sixthly, for ascertaining and fixing, altering and removing, from time 10 to time, the stands for such master porters, porters, master lumpers, lumpers, master stevedores, stevedores, coal carriers, water carriers, truckmen, carmen, labourers, hucksters, porters, coal carts, trucks, water carts, and all other carts and carriages, matters and things, and persons respectively : 15
- Seventhly, for trying and punishing the misconduct and misbehaviour of master porters, porters, master lumpers, lumpers, master stevedores, stevedores, coal carriers, water carriers, carmen, truckmen, and labourers, hucksters, or other persons plying for hire within the borough : 20
- Eighthly, for ascertaining and fixing what rates, fares, and prices for time, quantity, and distance shall be taken by such master porters, porters, master lumpers, lumpers, master stevedores, stevedores, coal carriers and water carriers, carmen, truckmen, labourers, hucksters, and other persons respectively : 25
- Ninthly, for ascertaining and fixing to what distances any of the persons, matters and things, (described in this section,) shall be respectively obliged to drive, carry, ply, go, and come within the borough.
13. The foregoing provisions shall be in addition to and not in substitution 30 of any of the remaining provisions of the said Improvement Act, or of the Acts incorporated therewith, and shall be read and have effect and be construed together therewith accordingly.

Given under my hand this sixth day of June in the year of our
Lord one thousand eight hundred and seventy. 35

(Signed) H. A. BRUCE.

NORTHAM.

Provisional Order empowering the Northam Local Board to put in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the said Board for Sewage Outfall Works.

5 WHEREAS the Local Board of Health in and for the district of Northam, in the county of Devon, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board of Health, to one of
10 Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for Sewage Outfall Works.

And whereas the said petition duly set forth in the schedule annexed
15 thereto the several pieces of land intended to be taken by such board for such purposes, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such board; and such petition prayed that
20 the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed
25 for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government
30 Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Northam in the county of Devon shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the
35 Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes herein-before set forth.

40 Given under my hand [this sixth day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the foregoing Order.

The PIECES of LAND proposed to be taken are the following, and the numbers in column one refer to those on the plan accompanying the petition aforesaid.

No. on Plan.	Description.	Owner.	Lessee.	Occupier.	5
1	Public highway - -	Charles Joseph Thrupp, Esquire, Commodore, William Montagu Dowell, Captain John Pyke, R.N.	- - -	Northam Local Board, as surveyors of the highways.	10
2	Occupation road or way -	Charles Joseph Thrupp, Esquire, Commodore, William Montagu Dowell, Captain John Pyke, R.N.	George Mill, Frederick Molesworth, Esquire.	Edward James Willmott.	15
3	Occupation road or way -	Northam Burrows Hotel and Villas Company (Limited).	Edward James Willmott.	Edward James Willmott, Thomas Wrey, and Paul Gardner.	20
4	Occupation road or way -	Northam Burrows Hotel and Villas Company (Limited).	Thomas Burnard Chanter, Esquire, Lieutenant Colonel Frederick James Laggart Hutchinson, George Mill, Frederick Molesworth.	Northam Burrows Hotel and Villas Company (Limited), William Hodges, Lieutenant Colonel Frederick James Taggart Hutchinson, James Murray, Caleb Row.	25
5	Public highway - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).	30
6	Pasture land - -	The same - - -	- - -	The same.	
7	Occupation road - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).	
8	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).	35
9	Occupation road - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).	40
10	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).	
11	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).	45
12	Pasture land - -	Robert Prior and Richard Cornelius Prior, Richard Way, and Jonathan Henderson.	- - -	Robert Prior and Richard Cornelius Prior, Richard Way, and Jonathan Henderson.	50
13	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).	

No. on Plan.	Description.	Owner.	Lessee.	Occupier.
5 14	Pasture land - -	Robert Prior and Richard Cornelius Prior, Jonathan Mill, George Short, and James Daniel.	- - -	Robert Prior and Richard Cornelius Prior, Jonathan Mill, George Short, James Daniel.
15	Common - - -	Margaret Caroline Cleveland, Thomas Burnard Chanter.	- - -	Inhabitants of the parish of Northam.
10 16	Arable land - -	George Mill, Frederick Molesworth.	- - -	Thomas Warren.
17	Common - - -	Margaret Caroline Cleveland, Thomas Burnard Chanter.	- - -	Inhabitants of the parish of Northam.

15

REDCAR.

Provisional Order for altering the Boundaries of the District of Redcar, in the County of York, under the Provisions of the Local Government Act, 1858.

WHEREAS the Local Government Act is in force in the township of Redcar
20 in the parish of Marske in the county of York :

And whereas the boundaries of the said township do not extend below high-water mark on the north or sea side thereof :

And whereas a petition has been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th
25 section of the Local Government Act, 1858, by the Local Board of the said district of Redcar, praying for the extension of the district, by the addition thereto of the portion of the sands between high and low water mark on the north or sea side opposite to the said township :

And whereas the Committee of Her Majesty's Privy Council for Trade,
30 and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, have, on behalf of Her Majesty, as owner of the said portion of the foreshore, consented to the incorporation of the said portion with the said district, on certain conditions embodied in this Order :

And whereas there is no owner or occupier, other than Her Majesty,
35 within the said portion of the foreshore, whose consent can be given to the said incorporation :

And whereas it appears expedient to issue a Provisional Order for such incorporation, but no such Order can be valid without confirmation by Parliament :

40 Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

[188.]

D 3

A.D. 1870. That from and after the passing of any Act of Parliament confirming this Order—

- 1.—The portion of the sands between high and low water mark on the north or sea side of and opposite to the said township shall be included in the said district. 5
- 2.—Provided that no byelaws to be made by the said Local Board of Health affecting the shore or beach below high-water mark shall be valid without the previous approval of the Board of Trade and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, to be signified in writing (in the case of the Board of Trade) by one of their secretaries or assistant secretaries, and (in the case of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues) by one of such Commissioners. 10
- 3.—The said Local Board shall not at any time hereafter construct any work on any part of the shore or bed of the sea where and so far up the same as the tide flows and reflows, without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the said Board, and according to such plan and under such restrictions and regulations as the said Board of Trade shall approve of, such approval being signified as last aforesaid. And where any such work shall have been constructed with such consent as aforesaid, the said Local Board of Health shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval. And if any such work shall be commenced without such consent or approval, the said Board of Trade may abate and remove the same, and restore the site thereof to its former condition, at the cost of the said Local Board of Health, and the amount of such costs shall be a debt due to the Crown and recoverable against the said Local Board accordingly. 15 20 25
- 4.—Nothing contained in this Order, or in the Act confirming the same, shall authorise the said Local Board of Health to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Order or Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors. 30 35 40
- 5.—Nothing contained in this Order, or in the Act confirming the same, shall authorise the said Local Board of Health to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, without the previous consent in writing 45

of the said Commissioners on behalf of Her Majesty (which consent the said Commissioners may give), neither shall anything in the said Order or Act contained extend to take away, prejudice, diminish, or alter any of the privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. A.D. 1870.

Given under my hand this seventeenth day of June in the year one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

TROWBRIDGE.

10 *Provisional Order repealing and altering a Local Act in force within the District of the Trowbridge Local Board.*

WHEREAS the Local Board for the district of Trowbridge in the county of Wilts, being a district in which the Local Government Act, 1858, is in force, have, in pursuance of the said Act, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of and transfer of powers under a certain Local Act of Parliament in force within the said district having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit; that is to say,

An Act passed in the thirty-ninth year of the reign of King George the Third (39 Geo. 3. cap. 61.), intituled "An Act for paving the footways, and for cleansing, lighting, and regulating the streets, lanes, and other public passages and places within the town of Trowbridge in the county of Wilts, and for removing and preventing nuisances, annoyances, and obstructions therein:"

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and made in the said district in respect of the several matters mentioned in the said petition, and report duly made to me thereon by Arnold Taylor, Esquire, the inspector appointed for the purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1. The herein-before recited Local Act shall be repealed, saving and excepting the sections thereof numbered 25, 26, 27, and 50.

2. All the powers, authorities, and duties of the Commissioners acting in execution of the said Local Act shall cease and determine; and all the powers, authorities and penalties under the unrepealed portions of the said recited Local Act, which in case this Order had not been made and confirmed would have belonged to such Commissioners, shall be transferred to and become vested in the Local Board aforesaid.

- A.D. 1870. 3. All the property and estate of the Commissioners acting in execution of the said Local Act shall be transferred to and become vested in the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board upon the same trusts and for the same purposes as by such Commissioners. 5
4. All debts, moneys, and securities for money contracted or payable by such Commissioners shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made; and shall be paid and satisfied by the said Local Board as by such Commissioners. 10
5. Provided always, that if such property and estate shall be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made. 15
6. So much of the said Local Act as is not hereby repealed shall extend and apply to the whole of the said district, and shall be incorporated with the Local Government Act as applied to the said district.

Given under my hand this sixth day of June in the year One thousand eight hundred and seventy. 20

(Signed) H. A. BRUCE.

Local Government Supplemental (No. 3).

B I L L

To confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Burton-upon-Trent, Chiswick, Derby, Harrogate (two), Kidderminster (two), Kingston-upon-Hull, Northam, Redcar, and Trowbridge.

*(Prepared and brought in by
Mr. Knatchbull-Hugessen and
Mr. Secretary Bruce.)*

*Ordered, by The House of Commons, to be Printed,
29 June 1870.*

[Bill 188.]

Under 4 oz.

A
B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Barton, Eccles, Winton, and Monton, Bognor, Bolton (2), Chippenham, Harrogate, Merthyr Tydfil, Ryde, Stroud, and Worthing; and for other purposes relative to certain districts under the said Act. A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the schedule 5 to this Act annexed; and it is provided by the aforesaid Local Government Act that no such Orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and other provisions made with respect to certain districts under the Local Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

15 1. The Provisional Orders contained in the schedule hereunto annexed shall, from and after *the passing of this Act*, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act, except so much of the Provisional Order relating to the district of High and Low 20 Harrogate as follows the words "shall be repealed" in the last clause of the said Order, and the said Order shall be read as if so much of the said clause were struck out of the said Order.

Provisional Orders in schedule confirmed.

2. Whereas the boundary of the district included under the Local Act for the improvement of the town of Chippenham in the [Bill 226.] Defining boundaries of district of Chippenham.

A

A.D. 1870. county of Wilts referred to in the Order in the schedule to this Act is not sufficiently defined, be it enacted, that from and after the confirmation of the said Order by this Act, the boundary of the district of Chippenham shall be that described in the schedule to the said Order, and shown on three plans signed by the Secretary 5 of State for the Home Department, and sealed with the seal of the local board of the said district, one of which plans shall be deposited with the clerk of the peace for the county of Wilts, subject in all respects to the provisions of the Act of the first year of the reign of Her Majesty Queen Victoria, chapter eighty-three, entitled “An 10
 “ Act to compel Clerks of the Peace for counties and other persons
 “ to take the custody of such documents as shall be directed to be
 “ deposited with them under the Standing Orders of either House
 “ of Parliament;” and the second of such plans to be deposited in the Local Government Act Office; and the third shall remain in 15
 the custody of the said local board and their successors, and which said plans or any of them, or copies or extracts therefrom, certified under the hand of the clerk of the peace for the time being of the said county or under the seal of the said local board, as the case may be, as being true copies or extracts thereof or therefrom, shall 20
 be received in evidence in all courts of justice and before all justices of the peace in relation to all matters and proceedings concerning the boundaries and limits of the said district, or any part or parts thereof.

Compensation to clerk to commissioners under Chippenham Local Act, for loss of office.

3. If the clerk to the commissioners acting under the local Act 25 recited in the Provisional Order for the district of Chippenham in the county of Wilts in the schedule of this Act contained, part of which local Act is repealed by the said Order, shall by reason of the transfer of the powers of the commissioners to the local board be superseded, or if his present remuneration shall be affected, or if he 30 shall be removed from his office, and not be employed and retained in an office of equal value by the Chippenham local board, he shall be entitled to have an adequate compensation for the profits, salary, and emoluments of the office which he will cease to hold, the said compensation to be by way of annuity or otherwise, and to be 35 assessed by the Commissioners of Her Majesty’s Treasury, upon the report of the said local board, to be made within three months after the said clerk shall have been superseded in his office, founded upon a declaration made by the said clerk setting forth the salary, profits, and emoluments derived by him or his predecessors for every year 40 during a period of five years next before the day when he shall have ceased to hold the office of clerk to the commissioners, and such other evidence as the said local board may require, as to the

amount, nature, and particulars of such profits; and in assessing the same regard shall be had to the manner of his appointment to such office, and his term therein; and the said local board shall from time to time pay to such clerk, out of any general district rates, the
5 money which shall upon such report, and any appeal or reclamation against the same, be finally awarded by the Commissioners of Her Majesty's Treasury as the same shall become due and be payable.

4. This Act shall be deemed to be incorporated with the Local
10 Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

5. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supple-
15 mental Act, 1870 (No. 4)."

A.D. 1870.

Act incor-
porated with
21 & 22 Vict.
c. 98.

Short title.

SCHEDULE of Provisional Orders referred to in the preceding Bill.

1. BARTON, ECCLES, WINTON, AND MONTON.—Alteration of Order in Council applying Public Health Act, 1848, to district.
- 20 2. BOGNOR.—Alteration of Local Act.
3. BOLTON (Lanc.)—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
4. BOLTON (Lanc.)—Extension of borrowing powers.
5. CHIPPENHAM.—Alteration of Local Act.
- 25 6. HARROGATE.—Extension of borrowing powers.
7. MERTHYR TYDFIL.— Do. do.
8. RYDE.— Do. do.
9. STROUD.— Do. do.
10. WORTHING.— Do. do.

A.D. 1870.

BARTON, ECCLES, WINTON, AND MONTON.

Provisional Order for altering the Order in Council, applying the Public Health Act, 1848, to the District of Barton, Eccles, Winton, and Monton in the County of Lancaster.

WHEREAS by an Order of Her most Gracious Majesty in Council, bearing 5
date the tenth day of March 1853, made under the provisions of the Public
Health Act, 1848, the said Public Health Act was duly applied to the district
of Barton, Eccles, Winton, and Monton in the county palatine of Lancaster :

And whereas by such Order as aforesaid the number of members of the
Local Board of Health to be elected under the aforesaid Public Health Act 10
was fixed at nine, the entire number to be elected for the whole of such
district :

And whereas by an Order of the Secretary of State for the Home Depart-
ment, bearing date the thirteenth day of July 1868, on the petition of the said
Local Board, the said district was divided into four separate wards, for the 15
election of members to constitute the Local Board of Health for such district,
three members being assigned to Barton Ward, three to Eccles Ward, two to
Winton Ward, and one to Monton Ward :

And whereas the Local Board of Health for the said district have, in
pursuance of the Local Government Act, 1858, (sect. 77,) presented a petition 20
to one of Her Majesty's Principal Secretaries of State, praying for the alteration
of the aforesaid Order, in so far as such Order relates to the number of members
to constitute the Local Board of Health for such district :

And whereas, in pursuance of the said Local Government Act, inquiry
has been directed in the said district in respect of the matters mentioned in the 25
said petition :

And whereas it appears expedient to issue a Provisional Order in relation
to the said matters, but no such Order can be valid without confirmation by
Parliament :

Now, therefore, in pursuance of the powers vested in me by the said 30
Local Government Act, I, as one of Her Majesty's Principal Secretaries of
State, do, by this Provisional Order under my hand, direct that from and after
the passing of any Act of Parliament confirming this Order,—

1. The number of members to constitute the Local Board of Health for the
district of Barton, Eccles, Winton, and Monton shall be twelve, any- 35
thing in the herein-before recited Order, bearing date the third day of
July 1854, to the contrary notwithstanding.

A.D. 1870.

2. Of the said twelve members, four shall be elected by the owners of and ratepayers in respect of property in the Barton Ward; five by the owners of and ratepayers in respect of property in Eccles Ward; two by owners of and ratepayers in respect of property in Winton Ward; one by owners of and ratepayers in respect of property in Monton Ward.
3. One third in number of the twelve members constituting the Barton, Eccles, Winton, and Monton Local Board of Health shall annually go out of office on the usual day for the retirement of members.
4. The new member for Barton Ward and the two new members for Eccles Ward shall be elected within one month from the passing of the Act confirming this Order, by the owners of and ratepayers in respect of property in each of those wards respectively.
5. At the next general election, all the twelve members of the said Local Board shall retire, and twelve new members shall be elected in their places, according to the distribution of members among wards made by this Order.
6. As the numbers of members to be elected for such wards are not divisible by three, the order of retirement of members for the respective wards shall be as follows:—
- For the Barton Ward, two members shall retire after one year's service, one member after two years' service, and one member after three years' service. For Eccles Ward, two members shall retire after one year's service, two members after two years' service, and one member after three years' service. For Winton Ward, no member shall retire after one year's service, one member shall retire after two years' service, and one member after three years' service. For Monton Ward, no member shall retire after one year's service, no member after two years' service, one member shall retire after three years' service. And this order of retirement shall be repeated in each succeeding term of three years.

Given under my hand, this sixth day of July one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

A.D. 1870.

BOGNOR.

Provisional Order altering a Local Act in force within the District of the Local Board of Bognor, in the County of Sussex.

WHEREAS the Local Board in and for the district of Bognor, in the county of Sussex, have, in pursuance of the provisions of the 77th section of the Local Government Act, 1858, presented a petition under their seal, and under the hands of seven of the members of the said board, to me as one of Her Majesty's Principal Secretaries of State, praying for an alteration of an Act of Parliament passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act for paving, lighting, watching, and otherwise
 " improving the Town of Bognor, in the County of Sussex, and for enlarging
 " two Acts of Parliament passed in the third and sixth years of His late
 " Majesty King George the Fourth, relating to the said Town:"

And whereas on the receipt of such petition, I, as one of Her Majesty's Principal Secretaries of State, having inquired into the subject matter of the said petition, have found that great injury is done to the defences of the coast within the said district by the removal of sand, shingle, and other matters from the seashore near such defences:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State as aforesaid, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The 27th section of the said Act shall be altered by the following addition before the proviso:—"On a second or any subsequent conviction of the
 " taking of stones, rock, boulders, shingle, gravel, sand, or other material,
 " except sea-weed, from the sea beach or shore of Bognor, as aforesaid, the
 " offender may, in lieu of the penalty aforesaid, be committed to gaol for
 " any term not exceeding three months."
- 2.—The sections of the aforesaid Local Act numbered 107 to 110, both inclusive, shall notwithstanding anything in the Provisional Order for Bognor in the Schedule to the Local Government Supplemental Act, 1867 (No. 5), be in force and effect within the said district with respect to bathing machines as if the same had never been repealed by the said Provisional Order; provided that the sum of one shilling shall be chargeable for every license issued for a bathing machine instead of two shillings and sixpence, as provided in the said Local Act.

Given under my hand this twenty-ninth day of June One thousand eight hundred and seventy.

(Signed) H. A. BRUCE. 40

A.D. 1870.

BOLTON.

*Provisional Order empowering the Bolton Local Board of Health
to put in force the Lands Clauses Consolidation Act, 1845,
for the Purchase of Lands by the said Board for Street
Improvement and Sewage Outfall Works.*

WHEREAS the Town Council, acting as the Local Board of Health in and for the borough of Bolton in the county of Lancaster, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all
10 notices thereby directed, presented a Petition, under the seal of the said Corporation, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for street improvement and sewage outfall works:

15 And whereas the said petition duly set forth in the Schedules annexed thereto the several pieces of land intended to be taken by such board for such purposes, as shown in the plans accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned
20 no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the
25 Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the district of the said Local Board, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State,
30 do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 35 1. The Local Board of Health for the borough of Bolton in the county of Lancaster shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase

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A 4

A.D. 1870.

and taking of land otherwise than by agreement for the purposes herein-
before set forth.

Given under my hand, this twenty-fourth day of June one thousand
eight hundred and seventy.

(Signed) H. A. BRUCE.

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the purposes set forth in the preceding Order are the following. The figures in the first column refer to those on the plan accompanying the Petition of the aforesaid Board of Health.

No. on Plan 1.	Description of Property.	Owners.	Lessees.	Occupiers.
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PART 1.—SEWAGE WORKS.

1	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft	- Samuel Scowcroft.
2	Stables - - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft	- Samuel Scowcroft.
3	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft	- Samuel Scowcroft.
4	Waterecourse or drain -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft	- Samuel Scowcroft.
5	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft	- Samuel Scowcroft.
11	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft	- William Haslam.

PART 2.—NEW STREET FROM DEANS GATE TO ST. GEORGE'S ROAD.

St. George's Road.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
1	Vacant land - -	Thomas Hibbert, the Reverend Vernon Tip- ping, and Edmund Joseph Tipping, Wil- liam Heyes.	William Heyes.	—
2 and 3	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tip- ping, and Edmund Joseph Tipping, Wil- liam Heyes.	William Heyes - -	William Heyes.
4	Vacant land - -	Thomas Hibbert, the Reverend Vernon Tip- ping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick.	—

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
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Pool Street.

5	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick	- Stephen Cross.
6	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick	- Aaron Dyke.
7	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick	- William Henry Johnson.
8	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick	- Robert Mead.

Bark Street.

9	Cane and skip-works -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt -	- William Abbatt.
10	Cane and skip-works -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt -	- William Abbatt.
11	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt -	- Edgar Ashbury.
12	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt -	- Thomas Bridge.
13	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt -	- George Butler.
14	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt -	- William Farrall.
15	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt -	- Hannah Gerrard.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
<i>Pool Street.</i>				
16	Vacant land - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Jonathan Edge.	Jonathan Edge - -	Jonathan Edge.
<i>Edge Street.</i>				
17	Engine house - -	Jonathan Edge - -	- - - -	Jonathan Edge.
18	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Edward Lowe.	Henry Lowe, Edward Lowe.	Edward Lowe.
19	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Edward Lowe.	Henry Lowe, Edward Lowe.	James Kershaw.
20	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Thomas Lowe.	Henry Lowe, Thomas Lowe.	William Waddington.
21	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe.	Henry Lowe - -	Jane Dewsnip.
22	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Joseph Wilding, and William Wilding.	Henry Lowe, Joseph Wilding, and William Wilding.	John Taylor.
23	Smithy - - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Joseph Wilding, and William Wilding.	Henry Lowe, Joseph Wilding, and William Wilding.	Abel Bromley
<i>St. Helena.</i>				
24	Cotton mill and land -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker.	Robert Walker - -	Robert Walker.
25	Land and brook - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker.	Robert Walker - -	Robert Walker.
26	House - - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	William Tong.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
27	House - - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	Michael Coffey.
28	House - - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	James Parkinson.
29	House and warehouse -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	Richard Brown, John Hill.
30	House and warehouse -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	William Morris, John Hill.
31	House and warehouse -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	Robert Stewart, Jonathan Clewes.
32	House and stable -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	Elizabeth Lowe, Mary Stopport.
33	House - - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	Hugo Williamson.
34	River Croal - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	—
35	Dye Works - - -	George Whittaker, Thomas Taylor.	Thomas Taylor -	Thomas Taylor.
36	River Croal - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	
37	Land - - -	George Whittaker, Thomas Taylor.	Thomas Taylor -	Thomas Taylor.
38	Dye works - - -	George Haslam -	- - - -	George Haslam.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
Blundell Street.				
39	Office and workshop -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Simon Hilton.
40	Yard - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Simon Hilton.
41	Workshop -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Simon Hilton.
42	Land (agreed to be purchased by Corporation from Grimes).			
Grime Street.				
43	Warehouse - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Edward Brown.
Deansgate.				
44	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Henry Birtwistle.
45	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Moss.
46	House, outbuildings, and yard.	John Silcock - -	Henry Heyes - -	Henry Heyes.
47	House - - -	John Silcock - -	- - -	Thomas Bleasdale.
Simpson's Square.				
48	House and yard -	John Silcock - -	- - -	John Russell.
49	Warehouse - -	John Silcock - -	- - -	Henry Heyes.
50	House and yard -	John Silcock - -	- - -	James Martin.
51	Warehouse - -	Thomas Lever - -	- - -	William Mason.
52	Warehouse - -	Thomas Lever - -	- - -	William Mason.
53	Warehouse - -	Thomas Lever - -	- - -	William Mason.
53a	Warehouse - -	Thomas Lever - -	- - -	William Mason and Rachel Moran.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
54	House - - -	Thomas Lever - -	- - -	Samuel Taylor.
55	House - - -	Thomas Lever - -	- - -	Catherine Fallon.
56	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, George Lyon.	George Lyon - -	Charles Price.
<i>Deansgate.</i>				
57	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, George Lyon.	George Lyon - -	George Lyon.
58	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Ann Holden.	Ann Holden - -	Henry Jones.
59	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and Wil- liam Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Hol- den, Betsey Holden, Henry Sharp, and Helen Andrews.	Thomas Lee.
<i>Marsk's Court.</i>				
60	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and Wil- liam Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Hol- den, Betsey Holden, Henry Sharp, and Helen Andrews.	William Haydock.
60a	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and Wil- liam Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Hol- den, Betsey Holden, Henry Sharp, and Helen Andrews.	John Windle.
61	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and Wil- liam Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Hol- den, Betsey Holden, Henry Sharp, and Helen Andrews.	Peter Taylor.
61a	Vacant land - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and Wil- liam Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Hol- den, Betsey Holden, Henry Sharp, and Helen Andrews.	—

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
62	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Lomax.
<i>Blundell's Entry.</i>				
63	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	Sarah Gerrard.
64 and 65	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Johnson.
65a	Vacant land - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner.	—
<i>Deansgate.</i>				
66	House and yard and cellar	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	Thomas Hampson (house), Robert Bradshaw (cellar).
67	House and cellar - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Cooper (house), Thomas Charnock (cellar).
<i>Blundell's Entry.</i>				
68	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Unsworth.
69	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	William Yates.
<i>Deansgate.</i>				
70	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Thomas Beswick, Joseph Harwood, and Ralph Challinor.	Thomas Beswick, Joseph Harwood, and Ralph Challinor.	James Morris.
<i>Salt Pie Yard.</i>				
71	House - - -	David Skinner - - -	- - -	John Carlile.
72 & 73	Warehouse - -	George Whittaker - -	- - -	Thomas Crook.
<i>Deansgate.</i>				
74	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Abraham Bowker.	Abraham Bowker - -	Abraham Bowker.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
75	House and yard - -	George Mason - -	George Mason - -	John Lomax.

Salt Pie Yard.

76	Vacant land - -	George Whittaker.	-	-
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PART 3.—EXTENSION OF HOTEL STREET WEST.

Howell Croft.

No. on Plan 3.	Description of Property.	Owners.	Lessees.	Occupiers.
1	House and yard - -	Peter Foster - -	- - -	Margaret Dootson.
2	House and yard - -	John Gordon - -	- - -	Elizabeth Choriton.
3	House and yard - -	John Gordon - -	- - -	William Travis.
4 & 5	House, outbuildings, and yard.	George Cooper - -	- - -	George Cooper.
6	Warehouse - -	Mary Kay and Ellen Kay, Walker Hulton.	Walker Hulton - -	William Lomax and John Lomax.
7	Cooperage - -	Mary Kay and Ellen Kay, Walker Hulton.	Walker Hulton - -	George Richardson.
8	House and yard - -	Samuel Kershaw, Samuel Holt, and William Holt.	- - -	Maria Crook.
9	House and yard - -	Arthur Bromiley and Robert Kenyon.	- - -	William Burns.

Court 4.—Spring Gardens.

10	House - - -	William Pilkington and Peter Pilkington.	- - -	Jonathan Spencer.
11	House - - -	Hannah Pendlebury - -	- - -	Robert Abrahams.
12	House - - -	James Edge - -	- - -	William Berry.

Court 3.—Spring Gardens.

13	House - - -	John Albert Slater - -	- - -	Margaret Malley.
14	House - - -	John Albert Slater - -	- - -	Mary Tong.

Off Spring Gardens.

15	Outbuilding - -	George Cooper - -	- - -	Mary Vickers.
16	Warehouse - -	George Cooper - -	- - -	George Cooper.

Court 2.—Spring Gardens.

17	House - - -	Thomas Holden, Helen Andrews, William Tristram, Thomas Grundy, and Thomas Hesketh Higson.	- - -	Ann Morris.
18	House - - -	The Reverend George Airey.	- - -	Henry Sharples.
19	House - - -	The Reverend George Airey.	- - -	Charles Mann.

No. on Plan 3.	Description of Property.	Owners.	Lessees.	Occupiers.
<i>Court No. 1.—Spring Gardens.</i>				
20	House - - -	Robert Gudgeon Hinnell -	- - -	Priscilla Healey.
21	House - - -	Mary Woods, Peter Swarbrick, and John Gratrix.	- - -	Sarah Entwistle.
<i>Spring Gardens.</i>				
22	House - - -	George Aldersley - - -	- - -	Catherine McDonald.
23	House - - -	George Aldersley - - -	- - -	Betty German.
24	House - - -	Thomas Heaton - - -	- - -	John Eagan.
25	House - - -	Sarah Scholes - - -	- - -	Jonathan Gledhill.
26	House - - -	John Albert Slater - - -	- - -	Jonathan Barton.
27	House - - -	George Cooper - - -	- - -	Thomas Cumpsey.
28	House - - -	Thomas Holden, Helen Andrews, William Tristram, Thomas Grundy, and Thomas Hesketh Higson.	- - -	Margaret Pendergest.
29	House - - -	Thomas Holden, Helen Andrews, William Tristram, Thomas Grundy, and Thomas Hesketh Higson.	- - -	Ann Morris.
30	House - - -	The Reverend George Airey.	- - -	Thomas Isherwood.
31	House - - -	The Reverend George Airey.	- - -	Charles Gill.
<i>Court No. 2.—Spring Gardens.</i>				
31a	House - - -	The Reverend George Airey.	- - -	Hugh Loughlan.
<i>Spring Gardens.</i>				
32	House - - -	Nancy Kenyon - - -	- - -	Walter Charles Bulmer.
33	House - - -	Mary Woods, Peter Swarbrick, and John Gratrix.	- - -	Mary Woods.
<i>Spring Gardens (West Side).</i>				
34	House - - -	John Shone - - -	- - -	John Shone.
35	House - - -	James Hardman - - -	- - -	James Fitzsimons.
36	House, outbuildings, and yard.	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Thomas Nelson.	Thomas Nelson - - -	George Bromilow.
37	House - - -	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Thomas Nelson.	Thomas Nelson - - -	Thomas McMahon.

No. on Plan 3.	Description of Property.	Owners.	Lessees.	Occupiers.
38	House - - - -	James Gillibrand - -	- - - -	Lydia Gregson.
39	House - - - -	James Gillibrand - -	- - - -	Hugh Campbell.
40	House - - - -	James Gillibrand - -	- - - -	James Gillibrand.
41	House - - - -	William Raniwell - -	- - - -	John Kirby.
42	House - - - -	Edward Aspinall - -	- - - -	Edward Aspinall.
43	Store room - - -	Peter Manchester, James Lever, and Richard Shaw.	- - - -	Peter Manchester, James Lever, and Richard Shaw.
44	Wheelwright's shop -	Edward Aspinall - -	- - - -	Edward Aspinall.
45	House and outbuildings -	Peter Manchester, James Lever, and Richard Shaw.	- - - -	John Foster.

Back Spring Gardens.

46	Outbuildings - - -	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Thomas Nelson.	Thomas Nelson - -	George Bromilow.
47	House - - - -	James Gillibrand - -	- - - -	Joseph Mellor.
48	Warehouse - - -	James Gillibrand - -	- - - -	James Gillibrand.
49	House - - - -	James Gillibrand - -	- - - -	Samuel Holt.
50	House - - - -	James Gillibrand - -	- - - -	Michael Lee.
51	Smithy - - - -	Edward Aspinall - -	- - - -	Edward Aspinall.

Spring Gardens.

52	Public house, Brewhouse, outbuildings, and yard.	Peter Manchester, James Lever, and Richard Shaw.	- - - -	William Hall.
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Queen Street.

53	Wheelwrights Works -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby.
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Back Spring Gardens.

54	House - - - -	John Bolton - -	- - - -	Thomas Whalley.
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Queen Street.

55	House - - - -	John Bolton - -	- - - -	John Culshaw.
56	House - - - -	John Bolton - -	- - - -	Mary Whitely.
57	House - - - -	Richard Riley and Sophia Riley, John Shuttleworth.	John Shuttleworth -	John Brown.
58	Land - - - -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby.
59 and 60	} Wheelwrights Works - {	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby.

No. on Plan 3.	Description of Property.	Owners.	Lessees.	Occupiers.
61	House and yard - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, John Hilton.	John Hilton - -	Patrick Manning and Osborne.
62	House and yard - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, John Hilton.	John Hilton - -	John Hilton.
63	Part of Foundry - -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby.
64	Part of Foundry - -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby.
64a	Passage - - - -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby and John Hilton.

Blackhorse Street.

65	Cotton Mill - -	Thomas Satterthwaite and Thomas Waddington.	- - - -	Thomas Satterthwaite and Thomas Waddington.
66	Part of Cotton Mill - -	Thomas Satterthwaite and Thomas Waddington.	- - - -	Thomas Satterthwaite and Thomas Waddington.
67	Slaughter-house - -	Ann Wilson - -	- - - -	William Allen, Henry Birtwistle.
68	Slaughter-house - -	Ann Wilson - -	- - - -	William Allen, Henry Birtwistle.
69	Warehouse - - - -	Ralph Howcroft, Peter Howcroft, and James Howcroft.	- - - -	Thomas Broughton.
70	Warehouse - - - -	Ralph Howcroft, Peter Howcroft, and James Howcroft.	- - - -	James Markland.

Back Queen Street.

71	House - - - -	Ann Wilson - -	- - - -	William Freeman.
72	House - - - -	Ann Wilson - -	- - - -	Patrick Gibbons.
73	House - - - -	Ann Wilson - -	- - - -	Thomas Stevens.

PART 4.—SHIP GATES IMPROVEMENT.

Mealhouse Lane.

No. on Plan 4.				
1	Public house Brewhouse outbuildings, and yard.	Margery Cron, Mary Cron, John Bromley, Agent.	- - - -	Thomas Edmondson.
1a	Passage - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Edmondson, Elijah Wilson, Joseph Santley, William Leach, Michael Kelley.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
2	House - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Elijah Wilson.
3	House - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Joseph Santley.
4	House, outbuildings, and yard.	Edward Moores - - -	- - - -	Edward Moores.
5	Public house - - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish.	- - - -	Elizabeth Isherwood, Alice Isherwood.
6	Yard - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Joseph Santley, Elijah Wilson, William Leach, Michael Kelley.
7	Yard - - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - - -	Thomas Edmondson.

Court off Mealhouse Lane.

8	House - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Leach.
9	House - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Michael Kelley.

Court off Ship Gates.

10	Brewhouse - - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish.	- - - -	Elizabeth Isherwood and Alice Isherwood.
11	Yard - - - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish, Edward Moores.	- - - -	Elizabeth Isherwood, Alice Isherwood, Edward Moores, John Greenhow.
12	Passage - - - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish, Edward Moores.	- - - -	Elizabeth Isherwood, Alice Isherwood, Edward Moores, John Greenhow.
13	House - - - -	Edward Moores - - -	- - - -	Edward Moores.
14	House - - - -	Edward Moores - - -	- - - -	John Greenhow.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
15	Passage - - - -	Edward Moores - -	- - - -	Edward Moores, Elizabeth Isherwood, Alice Isherwood, and John Greenhow.
16	Warehouse - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	James Lawson.
17	Warehouse - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Isaac Fairclough.

Shambles.

18	Passage - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	James Lawson, Isaac Fairclough, John Dixon, Henry Gerrey.
19	House - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	John Dixon.
20	Workshop - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Henry Gerrey.
21	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Markland and James Morris.
22 and 23	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	John Walker and James Morris.
24	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Edward Draper and James Morris.
25	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Joseph Speakman and James Morris.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
26 and 27	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Ellis Heywood and James Morris.
28	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Gibbs and James Morris.
29	Workshop - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	James Morris.
30 and 31	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Henry Entwistle and James Morris.
32 and 33	Slaughter-house, office, and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Roger Wharton and James Morris.
34 and 35	Slaughter-house, office, and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Ward, Thomas Baron, and James Morris.
36	Store-room and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Alexander Smith and Alexander Forrest and James Morris.
37	Store-room and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Horrocks and James Morris.
38	Vacant land - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	-
<i>Off Ship Gates.</i>				
39	Brewhouse - -	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	Nathaniel Green.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
40	Warehouse	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	John Collier.
41	Yard	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	Thomas Arden, John Collier, and William Fernihough.
42	Warehouse	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	John Collier.
43	Stables	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	Thomas Arden.
44	Smithy	Edward Moores	- - - -	William Crook.
45	House	Edward Moores	- - - -	Empty.
46	Passage, privies, and hencote.	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	Nathaniel Green and Peter Downs.
47	Brewhouse	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	Richard Wright.
48	Pig styre	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	John Collier.
49	Stable	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	William Fernihough.
50	Passage	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	Thomas Arden, John Collier, and William Fernihough.

Crown Entry.

51	House	Lawrence Horrocks	- - - -	John Yates, Mary Morris.
52	House	Lawrence Horrocks	- - - -	Isaac Armitstead.
53	House	Lawrence Horrocks	- - - -	William Woodhead.
54	Store-room	Lawrence Horrocks	- - - -	John Foy.
55	Privies	Lawrence Horrocks	- - - -	Mary Morris, Isaac Armitstead, and William Woodhead.
56	Stables	Lawrence Horrocks	- - - -	John Foy, John Yates.
57	Stables	Lawrence Horrocks	- - - -	John Foy.
58	Stables	Lawrence Horrocks	- - - -	John Yates, Robert Hall, and John Harwood.

Ship Gates.

59	Workshop	Walker Hulton.	- - - -	-
		James Whitehead	James Whitehead	James Hulton.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
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Crown Entry.

60	Crown entry - - -	Lawrence Horrocks.		
61	Part of house - - -	The Earl of Bradford - - -		John Ward.
62	Part of house - - -	The Earl of Bradford - - -		John Ward.
63	Passage - - -	The Earl of Bradford - - -		John Ward.
64	Brewhouse - - -	The Earl of Bradford - - -		John Ward.
65	Warehouse - - -	Edward Silvester - - -		Thomas Arden.
66	Part of house - - -	The Earl of Bradford - - -		John Ward.

Bradshawgate.

67	House, outbuildings, and yard.	The Earl of Bradford - - -		James Holden.
68	Part of house - - -	The Earl of Bradford - - -		John Ward.
69	Public house, outbuildings, and yard.	The Earl of Bradford - - -		John Ward.
70	Yard - - -	The Earl of Bradford - - -		John Ward.
71	Part of house - - -	Edward Silvester - - -		Ralph Partington.
72	Privies - - -	Edward Silvester - - -		Ralph Partington.
73	House, outbuildings, and yard.	Edward Silvester - - -		Ralph Partington.
74	Yard - - -	Edward Silvester - - -		Ralph Partington.
75	House, outbuildings, and yard.	Edward Silvester - - -	Thomas Arden - - -	Thomas Arden.
76	Street through Ship Gates.			
77	Part of house - - -	Edward Silvester - - -	Thomas Arden - - -	Thomas Arden.
78	Public house - - -	Walker Hulton - - -		James Barlow.
79	Yard - - -	Walker Hulton - - -		James Barlow.
80	Part of house - - -	Walker Hulton - - -		James Barlow.
81	Part of house - - -	Walker Hulton - - -		James Barlow.
82	Brewhouse - - -	Walker Hulton - - -		James Barlow.
82a	Public house, outbuildings, and yard.	The Earl of Bradford - - -		Jonathan Simpson.
83	Stables - - -	Walker Hulton - - -		James Barlow.

Ship Gates.

84	Passage - - -	Walker Hulton - - -		James Barlow.
85 and 86	House - - -	Walker Hulton - - -		Patrick Barratt.
87	Ashpit - - -	Walker Hulton - - -		James Barlow.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
88	Passage - - -	William Lee - - -	- - -	Michael Brannan, John Reddy, Elizabeth Halliwell, John Wade.
89	House - - -	William Lee - - -	- - -	Michael Brannan.
90	House - - -	Thomas Haydock - - -	- - -	John Reddy.
91	House - - -	Hezekiah Whittle - - -	- - -	Elizabeth Halliwell.
92	House and outbuildings -	Hezekiah Whittle - - -	- - -	James Lawson.
93	House - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	John Bromley.
94	Part of House - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	John Bromley.
94a	Yard - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	John Bromley.
95	Store-rooms - - -	Hezekiah Whittle - - -	- - -	James Lawson.
95a	Yard - - -	Hezekiah Whittle - - -	- - -	James Lawson.
<i>Shell Court, Ship Gates.</i>				
96	House - - -	Hezekiah Whittle - - -	- - -	Empty.
97	House - - -	Hezekiah Whittle - - -	- - -	John Wade.
98	House - - -	Thomas Haydock - - -	- - -	Empty.
99	Privies and ashpit -	William Lee, Thomas Haydock, Hezekiah Whittle.	- - -	Michael Brannan, John Reddy, Elizabeth Halliwell, John Wade.
100	Stables - - -	Walker Hulton - - -	- - -	James Barlow.
101	Yard - - -	William Lee, Thomas Haydock, Hezekiah Whittle.	- - -	Michael Brannan, John Reddy, Elizabeth Halliwell, John Wade.
<i>Ship Gates.</i>				
102	Stables - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	John Bromley.
103	Privies - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	John Bromley.
104	Yard - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	John Bromley.
105	House and cellar -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	John Alban, Samuel Hamer, Elijah Gorse.
106	Scullery - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - -	Samuel Hamer, Elijah Gorse.
107 and 108	Public house, brewhouse, outbuildings, and yard.	Samuel Hamer - - -	- - -	Elijah Gorse.

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.
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PART 5.—NEW ROAD, ROTHWELL STREET TO SHAW STREET.

Rothwell Street.

1	Vacant land	- -	The mayor, aldermen, and burgesses of the borough of Bolton, Christopher Briggs, Mary Rostron.	Christopher Briggs, Mary Rostron.	—
2	Machine works	- -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson, and William Cryer.	William Lee, William Demain Atkinson, William Cryer.	William Cryer.
3	Weaving works	-	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.
4	Weaving works	- -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.
5	Land	- -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.
6	Reservoir	-	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.
7	Land	- -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.
7a	Railway and land	-	The mayor, aldermen, and burgesses of the borough of Bolton, the London and North Western Railway Company.	The London and North Western Railway Company.	The London and North Western Railway Company.

Shaw Street.

8	Vacant land	- -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, John Smith.	The Reverend William Foxley Norris, John Smith.	—
8a	Vacant land	- -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mahalah Hardcastle.	The Reverend William Foxley Norris Mahalah Hardcastle.	—

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.
9	Shed - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mahalah Hardcastle.	The Reverend William Foxley Norris, Mahalah Hardcastle.	James Howarth.
10	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Haslam.	The Reverend William Foxley Norris, William Haslam.	James Howarth.
11	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Haslam.	The Reverend William Foxley Norris, William Haslam.	James Horridge.
12	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Haslam.	The Reverend William Foxley Norris, William Haslam.	Simon Mather.
13	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, The Reverend George Airey.	The Reverend William Foxley Norris, the Reverend George Airey.	Robert Clegg.
14	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, John Openshaw, Ann Platt, and Hugh Sherlock.	The Reverend William Foxley Norris, John Openshaw, Ann Platt, and Hugh Sherlock.	William Burns.
15	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Jane Scholes.	The Reverend William Foxley Norris, Jane Scholes.	James Warbanks.
16	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Jane Scholes.	The Reverend William Foxley Norris, Jane Scholes.	William Hilton.
17	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	The Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	John Clemmett.
18	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Smith.	The Reverend William Foxley Norris, Mary Smith.	Matthew English.
19	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Smith.	The Reverend William Foxley Norris, Mary Smith.	Daniel Williams.

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.
20	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Thomas Hatton.	The Reverend William Foxley Norris, Thomas Hatton.	William Greenhalgh.
21	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, John Smith.	The Reverend William Foxley Norris, John Smith.	
22	House and cellar - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	Henry Hayes (house), George Brooks (cellar).
23	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Phethean.	The Reverend William Foxley Norris, William Phethean.	
24	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Highfield, Maria Crook.	The Reverend William Foxley Norris, William Highfield, Maria Crook.	Thomas Gore.
25	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Schofield, and Mary Schofield.	The Reverend William Foxley Norris, James Schofield, and Mary Schofield.	James Cain.
26	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Schofield, and Mary Schofield.	The Reverend William Foxley Norris, James Schofield, and Mary Schofield.	
27	Coal-yard - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Croston.	The Reverend William Foxley Norris, James Croston.	James Horridge.
28	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Gabbatt.	The Reverend William Foxley Norris, William Gabbatt.	Dorothy Brooks.
29	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	Henry Hampson.
30	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	Frank Farrington.

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.
31	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Baxendale.	The Reverend William Foxley Norris, James Baxendale.	Isaac Whalley.
32	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Ann Wilson, William Higbfield.	The Reverend William Foxley Norris, Ann Wilson, William Higbfield.	James Brownlow.
33	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	The Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	Joseph Whittle.
34	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	The Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	Ann Robinson.
35	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	John Haslam.
36	House and cellar - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	The Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	John Taylor (house), Agnes Aldred (cellar).

PART 6.—WIDENING OF ROTHWELL STREET.

No. on Plan 6.	<i>Rothwell Street.</i>			
1	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, Christopher Briggs, Samuel Scholes.	Christopher Briggs, Samuel Scholes.	John Healey

PART 7.—MEALHOUSE LANE IMPROVEMENT.

No. on Plan 7.				
1	Public house, brewhouse, outbuildings, and yard.	William Green - - -	John Edward Green - -	John Edward Green.
2	Public house, outbuildings, and yard.	William Green - - -	- - - - -	James Wilkinson.

No. on Plan 8.	Description of Property.	Owners.	Lessees.	Occupiers.
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PART 8.—DUKE STREET EXTENSION.

Rainforth Street.

1	Corporation property.			
2	Land - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Patrick Stevens, Thomas Gaff, Sarah Buck, Anthony Fox, Patrick Cruise, Catherine Quinn, William McLoughlin, Thomas Melea, Michael Holloran, Owen Sheeran, John Garner, Michael Stevens, Thomas Clark, Ann Kelley, Mary Farrally, Sabina Wade, Thomas Todd, and Mary Dempsey.
3	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Patrick Stevens.
4	House - - -	Francis McCormick	- - -	Thomas Gaff.
5	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Sarah Buck.
6	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Anthony Fox.
7	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Patrick Cruise.
8	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Catherine Quinn.
9	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	William McLoughlin.
10	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Thomas Melea.
11	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Michael Halloran.
12	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick	Owen Sheeran.
13	House and cellar -	Charles Johnson, Francis McCormick.	Francis McCormick	John Garner and Michael Stevens.

School Hill.

14	House and cellar -	Charles Johnson, Francis McCormick.	Francis McCormick	Thomas Clark and Ann Kelly.
15	House and cellar -	Charles Johnson, Francis McCormick.	Francis McCormick	Mary Farrally and Sabine Wade.
16	House and cellar -	Charles Johnson, Francis McCormick.	Francis McCormick	Thomas Todd and Mary Dempsey.

PART 10.—BATH STREET IMPROVEMENT.

No. on Plan 10.				
1	Timber yard - -	Peter Ainsworth, Sarah Latham.	Sarah Latham - -	John Ridyard.

No. on Plan 10	Description of Property.	Owners.	Lessees.	Occupiers.
2	Timber yard - - -	Peter Ainsworth, Daniel Fliteroft.	Daniel Fliteroft - -	Daniel Fliteroft.
1a	Shed - - -	Peter Ainsworth, Sarah Latham.	Sarah Latham - -	Alice Howarth.

PART 11.—MARKET EXTENSION.

No. on Plan 11.

Great Moor Street.

1	Smithy - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Thomas Holden.
2	Passage - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Thomas Holden.
3	House, outbuildings, and yard.	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Thomas Holden.
4	House, outbuildings, and yard.	Gerrard Pendlebury, Betsey Dickinson.	Betsey Dickinson -	Betsey Dickinson.
5	House outbuildings, and yard.	Gerrard Pendlebury -	Gerrard Pendlebury -	Thomas Lowe.

Howell Croft.

6	House, outbuildings, and yard.	Gerrard Pendlebury -	Gerrard Pendlebury -	Thomas Lowe.
7	House - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Margaret Dillon.

Lowes Court.

8	House - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Frank Steward.
9	House - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Ann Brannan.

Howell Croft.

10	House - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Bridget Coleman.
11	House, outbuildings, and yard.	Gerrard Pendlebury, William Grundy, and Roger Bromiley.	William Grundy and Roger Bromiley.	Michael Goggin.
12	House, outbuildings, and yard.	Gerrard Pendlebury, William Grundy, and Roger Bromiley.	William Grundy and Roger Bromiley.	Empty.
13 and 14	House, outbuildings, and yard.	John Carney - - -	- - -	Empty.
15	House - - -	John Carney - - -	- - -	Empty.

Back Howell Croft.

16 and 17	House, outbuildings, and yard	John Carney - - -	- - -	Richard Sullivan.
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No. on Plan	Description of Property.	Owners.	Lessees.	Occupiers.
<i>Howell Croft.</i>				
18	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	John Lowe.
<i>Back Howell Croft.</i>				
19 and 20	House, outbuildings, and yard.	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	William Lomax.
21	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Major Eckersley.
<i>Howell Croft.</i>				
22	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Anthony Barrett.
<i>Back Howell Croft.</i>				
23 and 24	House, outbuildings, and yard.	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Mary Entwistle.
<i>Howell Croft.</i>				
25	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	John Woods.
<i>Back Howell Croft.</i>				
26 and 27	House and yard - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Samuel Walkden.
28	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	John Bailey.
<i>Howell Croft.</i>				
29 and 30	House, outbuildings, and yard.	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Thomas Brown.
31	House - - - -	Gerrard Pendlebury, David Winder.	David Winder - -	John Eccles.
32 and 33	House and yard - -	Gerrard Pendlebury, David Winder.	David Winder - -	Patrick Garby.
<i>Back Howell Croft.</i>				
34	Stable - - - -	Gerrard Pendlebury, David Winder.	David Winder - -	David Winder.
<i>Howell Croft.</i>				
35	House and yard - -	Gerrard Pendlebury, David Winder.	David Winder - -	Patrick Collins.
<i>Ashburner Street.</i>				
36	Warehouse - - - -	Gerrard Pendlebury, David Winder.	David Winder - -	David Winder.

A.D. 1870.

BOLTON.

*Provisional Order for extending the borrowing Powers of the
Bolton Local Board of Health.*

WHEREAS the Town Council, acting as the Local Board of Health for the borough of Bolton in the county of Lancaster, proposes to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the outfall of the sewage of their district and for street improvements, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the Local Government Act, 1858, Amendment Act, 1861, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the borough of Bolton in the county of Lancaster shall have power to borrow for the execution of works for the purposes aforesaid, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this twenty-fourth day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

CHIPPENHAM.

A.D. 1870.

Provisional Order for the Alteration and partial Repeal of a Local Act, for lighting, watching, cleansing, paving, and otherwise improving the town of Chippenham in the county of Wilts, in force within the district of the Chippenham Local Board.

WHEREAS the Commissioners acting in execution of a certain Local Act of Parliament passed in the fourth year of the reign of His late Majesty King William the fourth, intituled "An Act for lighting, watching, cleansing, paving, " and otherwise improving the town of Chippenham in the county of Wilts," have duly adopted the Local Government Act, 1858, within and for the boundaries and limits of the district under their jurisdiction:

And whereas the said Commissioners have, in pursuance of the said Act, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act, being an Act in force within the said district having relation to the purposes of the Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, and in pursuance of the powers vested in me by the Local Government Act, 1858, do, by this Provisional Order under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The said Local Act shall be repealed, except the sections numbered respectively 39, 40, 41, 42, 44, 45, 49, 52, 53, 54, 56, 57, 61, 65, 80, 91, 94, 96, 97, 98, 100, 109, 110, 111.
2. Wherever in the sections aforesaid the words "justices of the peace for the county of Wilts" occur, they shall be altered by the substitution for those words of the words "any justice or justices of the peace."
3. No rate shall be levied for payment of any instalment of principal or interest of any debt now due from the Commissioners acting in execution of the said Local Act for works of paving, executed under the powers of the said Act, on property in any part of the district not now liable to be rated for payment of such debt.
4. All the provisions of the said Act of the fourth year of the reign of King William the Fourth, so far as they have relation to any loan or loans, or sum or sums of money, borrowed by the said Commissioners under the powers of the said Act, and now remaining unpaid, and to the transfers of securities for the same, the recovery of principal and interest on such loan or loans, sum or sums of money, or otherwise, in any way having relation to the borrowing powers of the said Commissioners, but so far only as the same shall be applicable to any part of the loan or loans already

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E

A.D. 1870.

raised, or sum or sums of money already borrowed by the said Commissioners, and to any rates which shall have been made by the said Commissioners at the date of the confirmation of this Order by Parliament; and the arrears of such rates remaining to be collected, or to the making of rates to be applied in the redemption of the said loan, and the interest thereon, shall continue in full force and effect, notwithstanding anything contained in this Order, until the said loan and interest has been paid and liquidated by the said Local Board, and until all arrears of rates as aforesaid shall have been paid and collected, and all the powers given by the said Act with regard to the levying of rates shall be exercised by the said Local Board in the levying a special rate on the owners of property within the said district which is now chargeable with the repayment of the said loan and interest; and the words "*Chippenham Local Board*" shall be substituted for the word "*Commissioners*" whenever the same occurs in any of the sections of the said Act having relation to the borrowing powers of the said Commissioners and to the making, levying, and recovery of rates.

5. There shall be paid out of the first moneys borrowed, or the first rates levied by the said Commissioners for the purposes of sewerage, to the sewer authority of the parish of Langley Burrell in the county of Wilts, by the said Commissioners acting as a Local Board, the sum of 188*l.* 12*s.* 4*d.*, being the balance of the cost of a sewer constructed by the said sewer authority within the district of the said Local Board, as described in the schedule to this Order. 20
6. The said Local Board shall consist of the following ratepayers, who are now the Commissioners in execution of the said Local Act, viz.:—Broome Pinniger, William Henry Rixson, James Hancock Brinkworth, John Wilson, M.A., Jacob Phillips, George Noyes, John Noyes, Alfred John Keary, Rev. John Rich, William Belcher, Charles James Dowding, James Wharry, Stephen Gatward Ross, William Austin, and Thomas Mills. 30
7. Within one calendar month from the date of the confirmation of this Order, one third of the said Local Board shall retire by ballot, or by voluntary resignation, and the vacancies so caused shall be filled by election in the manner prescribed by the Local Government Act for the election of a Local Board; and the remaining members of the Commissioners shall retire in like manner in the two following years. 35

Given under my hand, this thirteenth day of July one thousand eight hundred and seventy.

(Signed) H. A. BRUCE. 40

SCHEDULE referred to in the preceding Order.

DESCRIPTION OF THE BOUNDARIES OF THE CHIPPENHAM DISTRICT.

THE boundaries of the district commence (as shown on the accompanying plan) at the point A (at the north bank of the river, and near the east corner,

of field No. 595), and passes thence along the east side of the said field No. 595 to the point B, on the road leading from Chippenham to Calne; thence along the south side of the said field No. 595 to the point C; thence across the said road, southward, along the east side of field No. 599, to the point D; thence along
5 the south side of the said field No. 599, to a lamp post at point E; thence along the westerly fence of field No. 605 to the point F; thence along the south fence of field No. 604 a, and including it, across the canal, along the southern fence of field No. 549, and including it, to the western bank of the river, to the point G; thence along the western bank of the river to the point H; thence
10 along the western bank of a branch of the same river, and across and including it, to the point I, near a lamp post situate on the road from Chippenham to Bath; thence across the said road, along the east side of fields Nos. 500, 490 a, and 490 b, crossing the Great Western Railway, to the point J, at the east corner of field No. 473; thence along the west bank of
15 the brook flowing on the east side of field No. 474 to the point K; thence in a northerly direction, along a fence on the east side of field No. 455, crossing the road from Chippenham to Marshfield, to the point L; thence down the northern side of the road to the point M, at the south-west corner of field No. 454; thence along the west and north side of field No. 454, and including
20 it and the north-west side of fields No. 452, 447, and 440, and including them, to the point N, at the lamp post situate on the road from Chippenham to Malmesbury, crossing the said road on the north side of fields Nos. 723, 722, and 415, and including them, (and running along the southern fence boundary of the private road situate on the north side of fields No. 722 and 415,) to the
25 point O, near a lamp post on the road leading from Chippenham to Langley, crossing the said road, along the northern fence of field No. 719, along the northern and eastern fence of field No. 719, and including it, and continuing along the eastern side of field No. 717, and including it, to the point P; thence across the Great Western Railway in a southerly direction to the point Q;
30 thence in an easterly direction, along and including the northern bank of the river, to the starting point at A; thus completing the boundaries of the district of the Chippenham Local Board.

HARROGATE.

Provisional Order for extending the borrowing Powers of the
35 *Harrogate Improvement Commissioners acting as the Local Board for the district of High and Low Harrogate.*

WHEREAS the Harrogate Improvement Commissioners, acting as the Local Board for the district of High and Low Harrogate in the county of York, propose to carry out, under the provisions of the Local Government Act, 1858,
40 works of a permanent nature for the sanitary improvement of their district; and the said board have petitioned me, as one of Her Majesty's Principal Secretaries of State, to repeal and alter so much of the 12th clause of the Provisional Order of the 9th day of June 1866 as limits the borrowing powers of the said commissioners to 30,000*l.*, and to extend the limit of borrowing power for the

A.D. 1870. carrying out of the said works to an amount which, when added to the sum of which the borrowing has already been sanctioned under the Harrogate Improvement Act, 1841, and the Local Government Act, 1858, shall not exceed in the whole the assessable value of the premises assessable under the said Act within the said district: 5

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:— 10

That from and after the passing of any Act of Parliament confirming this present Order,—

So much of the section numbered 12 in the Provisional Order of the 9th day of June 1868 as limits the borrowing power of the Harrogate Commissioners, acting as the Local Board for the district of High and Low Harrogate, to 30,000*l.* shall be repealed. 15

Given under my hand, this ninth day of July one thousand eight hundred and seventy. 20

(Signed) H. A. BRUCE.

MERTHYR TYDFIL.

Provisional Order for extending the borrowing Powers of the Merthyr Tydfil Local Board of Health.

WHEREAS the Local Board of Health for the district of Merthyr Tydfil in the county of Glamorgan propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the sewerage of their district, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the Local Government Act, 1858, Amendment Act, 1861, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district: 25 30 35

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:— 40

That from and after the passing of any Act of Parliament confirming this present Order,— A.D. 1870.

5 The Local Board of Health for the district of Merthyr Tydfil in the county of Glamorgan shall have power to borrow for the execution of works for the purposes aforesaid, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

10 Given under my hand this sixth day of July one thousand eight hundred and seventy.
15 (Signed) H. A. BRUCE.

RYDE.

Provisional Order for extending the borrowing Powers of the Ryde Local Board.

20 WHEREAS the mayor, aldermen, and burgesses of the borough of Ryde, in the Isle of Wight, in the county of Southampton, acting as the Local Board for the district of Ryde, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the drainage and water supply of their district; and the said Board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the nineteenth section of the Local Government Amendment Act, 1861, petitioned me, as one
25 Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has already been sanctioned under the said Local Government Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district :
30

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament :

35 Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows :—

That from and after the passing of any Act of Parliament confirming this present Order,—

40 The Local Board for the district of Ryde, in the county of Southampton, shall have power to borrow for the execution and completion of works for the purposes aforesaid and other works of a permanent nature, on mortgage of the rates leviable by the said Local Board under the afore-

A.D. 1870.

said Local Government Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises under such Act within the aforesaid 5 district; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this fifth day of July one thousand eight hundred and seventy.

(Signed) H. A. BRUCE. 10

STROUD.

Provisional Order for extending the borrowing Powers of the Stroud Local Board of Health.

WHEREAS the Local Board of Health for the district of Stroud, in the county of Gloucester, propose to carry out, under the provisions of the Local Govern- 15 ment Act, 1858, works of a permanent nature for providing their district with a market and public slaughter-house; and the said Board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an 20 amount which, when added to the sum of which the borrowing has already been sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, 25 the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this 30 Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the district of Stroud, in the county of Gloucester, shall have power to borrow for the execution and comple- 35 tion of works for the purpose aforesaid and other works of a permanent nature, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned 40 by him for the said district, shall not exceed in the whole two years' assessable value of the premises under such Act within the aforesaid

district; the whole of such sums to be repaid, with interest thereon, A.D. 1870.
within a period of fifty years from the date of the borrowing thereof. —

Given under my hand, this fifth day of July one thousand eight
hundred and seventy.

5

(Signed) H. A. BRUCE.

WORTHING.

*Provisional Order for extending the borrowing Powers of the
Worthing Local Board of Health.*

WHEREAS the Local Board of Health for the district of Worthing in the county
10 of Sussex propose to carry out, under the provisions of the Local Government
Act, 1858, works of a permanent nature within their district, and the said
board have, under the authority of the seventy-eighth section of the Local
Government Act, 1858, petitioned me, as one of Her Majesty's Principal
Secretaries of State, to extend the limit of borrowing power for the carrying out
15 of the said works to an amount which, when added to the sum of which the
borrowing has been already sanctioned under the said Act, shall not exceed in
the whole two years' assessable value of the premises assessable under the said
Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire
20 the Inspector appointed by me for the purpose, I am of opinion that the prayer
of such petition should be granted, but the same cannot be done without the
consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her
Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this
25 Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this
present Order,—

The Local Board of Health for the district of Worthing in the county of
Sussex shall have power to borrow for the execution of the aforesaid works,
30 on mortgage of the rates leviable by the said Local Board under the afore-
said Act, such sums as they may from time to time be authorized by the
sanction of the Secretary of State to borrow, up to an amount which, when
added to the amounts of the loans already sanctioned by him for the said
district, shall not exceed in the whole two years assessable value of the
35 premises assessable under such Act within the aforesaid district, the whole
of such sums to be repaid, with interest thereon, within a period of fifty
years from the date of the borrowing thereof.

Given under my hand, this eighth day of July one thousand eight
hundred and seventy.

40

(Signed) H. A. BRUCE

Local Government Supplemental (No. 4.)

A

B I L L

To confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Barton, Eccles, Winton and Monton, Bognor, Bolton (2), Chippenham, Harrogate, Merthyr Tydfil, Ryde, Stroud, and Worthing; and for other purposes relative to certain districts under the said Act.

*(Prepared and brought in by
Mr. Knatchbull-Hugessen and
Mr. Secretary Bryce.)*

*Ordered, by The House of Commons, to be Printed,
19 July 1870.*

[Bill 226.]

Under 5 oz.

A

B I L L

TO

Protect the Goods of Lodgers against Executions upon the
Property of the Landlord. A.D. 1870.

WHEREAS under-lessees, under-tenants, and lodgers are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress for arrears of rent due to such superior landlord by his immediate lessee
5 or tenant, the mesne landlord of such under-lessees, under-tenants, and lodgers :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the
10 authority of the same, as follows ; (that is to say,)

1. No superior landlord or lessor shall be entitled to levy a distress for arrears of rent due to such superior landlord or lessor by his immediate lessee or tenant, on the furniture, goods, and chattels of the under-lessees, under-tenants, and lodgers of such
15 immediate lessee and tenant : Provided, that nothing in this Act contained shall deprive such superior landlord or lessor of his right to levy such a distress for arrears of rent, or for any proportionate part thereof, in every case in which such under-lessees, under-tenants, and lodgers shall have contracted to pay him, or shall
20 have guaranteed the payment of such arrears of rent, or of any portion thereof, by deed under seal, or by any instrument in writing signed by such under-lessees, under-tenants, or lodgers : Provided also, that nothing in this Act contained shall deprive the immediate lessee or tenant of such superior landlord or lessor of
25 any right he may now possess to levy a distress on the furniture, goods, and chattels of such under-lessees, under-tenants, and lodgers for arrears of rent due to him as their mesne landlord.

Landlord
not to levy
distress for
debts of
tenant on
goods of
under-tenant.

2. If any superior landlord or lessor shall levy or threaten to levy, or direct or authorise any bailiff or other duly qualified
[Bill 96.]

Under-tenant
if threatened
with distress

A.D. 1870. officer or person to levy or to threaten to levy, a distress on the furniture, goods, and chattels of the under-lessees, under-tenants, or lodgers of his immediate lessee or tenant, for arrears of rent due to such superior landlord by his immediate lessee or tenant, the under-lessees, under-tenants, or lodgers of such immediate lessee or tenant may serve such superior landlord, bailiff, or other duly qualified officer or person with a declaration, duly made by virtue of an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, for the more effectual abolition of oaths and affirmations, and to substitute declarations in lieu thereof, setting forth that such immediate lessee or tenant has no right of property or beneficial interest in the furniture, goods, and chattels so distrained or threatened to be distrained upon, and that such furniture, goods, and chattels are the absolute property or in the lawful possession of such under-lessees, under-tenants, or lodgers: Provided always, that a correct inventory subscribed by the sub-lessee, sub-tenant, or lodger of the furniture, goods, and chattels included in and referred to in the above-mentioned declaration shall be annexed thereto, and if any under-lessee, under-tenant, or lodger shall wilfully and corruptly subscribe such inventory, knowing the same to be untrue in any material particular, he shall be deemed guilty of a misdemeanor.

Penalty.

3. If any superior landlord, or any bailiff or other duly qualified officer or person, after being served with the before-mentioned declaration and inventory, shall levy or threaten to levy a distress on the furniture, goods, and chattels of the under-lessees, under-tenants, and lodgers of the immediate lessee or tenant of such superior landlord, for arrears of rent due to him by the immediate lessee or tenant, such superior landlord, bailiff, or other duly qualified person shall be deemed guilty of a misdemeanor, and shall also be liable to an action or actions at law for damages at the suit of the under-lessees, under-tenants, and lodgers.

Lodgers Goods Protection.

A

B I L L

To protect the Goods of Lodgers against
Executions upon the Property of the
Landlord.

(Prepared and brought in by
Mr. Henry B. Sheridan, Mr. Holms,
Mr. Staveley Hill, and Mr. McCullagh Torrens.)

*Ordered, by The House of Commons, to be Printed,
6 April 1870.*

[Bill 96.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Protect the Goods of Lodgers against Distraints upon the A.D. 1870.
Property of the Landlord.

WHEREAS under-tenants and lodgers of messuages or tenements are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress for arrears of rent due to such superior landlord by his immediate lessee or tenant :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

- 10 **1.** No superior landlord or lessor shall be entitled to levy a distress for arrears of rent due to such superior landlord or lessor by his immediate lessee or tenant on the furniture, goods, and chattels of the under-tenants and lodgers of such immediate lessee and tenant. Landlord not to levy distress for debts of tenant on goods of under-tenant.
- 15 **2.** If any superior landlord or lessor shall levy, or direct or authorise any bailiff or other duly qualified officer or person to levy, a distress on the furniture, goods, and chattels of the under-tenants or lodgers of his immediate lessee or tenant, for arrears of rent due to such superior landlord by his immediate
- 20 lessee or tenant, the under-tenants or lodgers of such immediate lessee or tenant may serve such superior landlord, bailiff, or other duly qualified officer or person with a declaration, duly made by virtue of an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth,
- 25 for the more effectual abolition of oaths and affirmations and to substitute declarations in lieu thereof, setting forth that such immediate lessee or tenant has no right of property or beneficial interest in the furniture, goods, and chattels so distrained or threatened to be distrained upon, and that such furniture, goods,

[Bill 185.]

A.D. 1870. — and chattels are the absolute property or in the lawful possession of such under-tenants or lodgers: Provided always, that a correct inventory subscribed by the sub-tenant or lodger of the furniture, goods, and chattels included in and referred to in the above-mentioned declaration shall be annexed thereto, and if any under- 5 tenant or lodger shall wilfully and corruptly subscribe such inventory, knowing the same to be untrue in any material particular, he shall be deemed guilty of a misdemeanor.

Penalty. 3. If any superior landlord, or any bailiff or other duly qualified officer or person, after being served with the before-mentioned 10 declaration and inventory, shall levy a distress on the furniture, goods, and chattels of the under-tenants and lodgers of the immediate lessee or tenant of such superior landlord for arrears of rent due to him by the immediate lessee or tenant, such superior landlord, bailiff, or other duly qualified person shall be deemed 15 guilty of a misdemeanor, and shall also be liable to an action or actions at law for damages at the suit of the under-tenants and lodgers: Provided that nothing in this Act contained shall be held to apply to tenancies of land or farms.

Lodgers Goods Protection.

A

B I L L

[AS AMENDED IN COMMITTEE]

To protect the Goods of Lodgers against
Distraints upon the Property of the
Landlord.

(Prepared and brought in by
Mr. Henry B. Sheridan, Mr. Holms,
Mr. Staveley Hill, and Mr. McCullagh Torrens.)

Ordered, by The House of Commons, to be Printed,
29 June 1870.

[Bill 186.]

Under 1 oz.

A
B I L L

TO

Amend the laws for the Election of the Magistrates and Councillors of Royal and Parliamentary Burghs in Scotland. A.D. 1870.

WHEREAS it is expedient to amend the laws relating to the election of the magistrates and councillors of Royal and Parliamentary Burghs in Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as The Municipal Elections Amendment (Scotland) Act, 1870. Short title.

2. The following expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; that is to say, Interpretation.

“Burgh” shall mean any Royal or Parliamentary Burgh in Scotland :

“Election Acts” shall mean the Acts third and fourth William the Fourth, chapters seventy-six and seventy-seven, and thirty-first and thirty-second Victoria, chapter one hundred and eight, and any other Acts relating to the election of magistrates and councillors of Royal and Parliamentary Burghs in Scotland which may be in force for the time :

“Registration Acts” shall mean the Act nineteenth and twentieth Victoria, chapter fifty-eight, as amended by the Act thirty-first and thirty-second Victoria, chapter forty-eight, and any other Act relating to the registration of persons entitled to vote in the election of members to serve in Parliament for burghs in Scotland which may be in force for the time :

“The assessor” shall mean the assessor of the burgh in and for which he is assessor, appointed and acting under the Acts for

[Bill 177.] A

A.D. 1870.

the valuation of lands and heritages in Scotland, or any of them.

Election of councillors where number of persons proposed does not exceed vacancies to be supplied.

3. Where at any election of town councillors in any burgh the number of persons whose names have been intimated to the town clerk, under the provisions of the Act thirty-first and thirty-second 5 Victoria, chapter one hundred and eight, as persons proposed for election in such burgh, or any ward of such burgh if divided into wards, does not exceed the vacancies to be supplied in such burgh or ward, as the case may be, the town clerk shall, in the public notice to be given by him, as provided by the said Act, of the 10 names of the persons so intimated to him, notify that in respect the number of persons proposed for election does not exceed the number of vacancies to be supplied in the burgh or ward, as the case may be, there will be no poll, and that the persons so proposed will on the day of election be declared to be elected as councillors 15 of the burgh; and such notification may be made by an addition in the terms set forth in the schedule to this Act, or in similar terms, to the notice required by the said Act; and on the day of election the persons so proposed shall be declared to be duly elected as councillors of the burgh, in the same manner as if they had been 20 elected as councillors under the provisions of the Election Acts, and shall be deemed to be duly elected accordingly; and every such election of councillors under the provisions of this Act shall be in all respects valid, and notice thereof shall be given to the persons elected in the same manner and to the same effect as is provided 25 by the Election Acts.

Order of retirement of councillors to be determined by the Council.

4. Where two or more councillors have been elected in any burgh or ward under the provisions of this Act, or by an equality of votes under the provisions of the Election Acts, the majority of the town council (including the councillors so elected) shall determine 30 the order in which the councillors so elected shall retire from the town council.

Preparation of municipal registers in burghs which do not return members to Parliament.

5. In every royal burgh not now entitled to return or contribute to return a member to Parliament, the assessor shall, on or before the 35 *fifteenth day of September* in the year *one thousand eight hundred and seventy-one*, and in every year thereafter, make out or cause to be made out a list of all persons who may be entitled to vote in the election of councillors for such burgh, under the provisions of the Act thirty-first and thirty-second Victoria, chapter one hundred and eight, according to the form No. 1 of the schedule A. to the 40 Act nineteenth and twentieth Victoria, chapter twenty-eight; and the same procedure shall be followed with respect to the preparation

A.D. 1870.

and publication of every such list, and the completion and revision of the register of voters for such burgh, as is provided by the Act nineteenth and twentieth Victoria, chapter twenty-eight, as amended by the Act thirty-first and thirty-second Victoria, chapter forty-eight, with respect to the lists and registers of voters to be made out and completed under the provisions and for the purposes of those Acts; and the lists of voters for any burgh made up, completed and revised under the provisions of the said Acts and this Act shall be signed by the town clerk, and shall be the register of persons entitled to vote in such burgh at any election of town councillors which shall take place in and for such burgh between the *thirty-first* day of *October* in the year in which such register shall have been made up and the *first* day of *November* in the succeeding year; and the said register shall be printed, and copies thereof shall be kept by the town clerk and delivered to persons applying therefor, in the same manner and on the same terms as is provided by the Act nineteenth and twentieth Victoria, chapter fifty-eight.

6. The whole costs and expenses of making up, completing, revising and printing the register of voters in any such burgh, or incident thereto, shall be ascertained and fixed, and the amount thereof shall be assessed, levied, and collected, in the same manner as the costs and expenses attending the annual registration under the Act nineteenth and twentieth Victoria, chapter fifty-eight, are by the said Act appointed to be ascertained, fixed, assessed, levied and collected; and the provisions of the said Act shall be applicable to the costs and expenses of registration under this Act.

Cost of
municipal
registers.

7. Where any burgh has been or shall be divided into wards under the provisions of the Act thirty-first and thirty-second Victoria, chapter one hundred and eight, the town councillors of such burgh shall be elected in the same manner as town councillors are elected in burghs divided into wards or districts under the provisions of the Acts third and fourth William the Fourth, chapters seventy-six and seventy-seven, and the provisions of these Acts respectively with reference to the election of councillors shall be and are hereby made applicable to elections of councillors in burghs which have been or shall be divided into wards under the provisions of the said Act thirty-first and thirty-second Victoria, chapter one hundred and eight.

Municipal
elections in
burghs
divided into
wards under
31 & 32 Vict.
c. 108.

8. The town council of any burgh may from time to time resolve that the costs and expenses of and incident to the election of the town councillors of such burgh, or of any trustees, commissioners

Expense of
municipal
elections
may be

A.D. 1870. or other persons who are appointed or have been in use to be elected
defrayed along with such town councillors, shall be defrayed out of the assess-
out of assess- ments imposed or levied in such burgh under the provisions and for
ments for re- the purposes of the Registration Acts ; and after such resolution
gistration. shall have been adopted, the costs and expenses of and incident to 5
such elections, as ascertained and fixed by the town council, shall
be added to the costs and expenses attending the annual registration
in such burgh, and shall be included in the assessment to be imposed
and levied under the provisions and for the purposes of the Regis-
tration Acts.

SCHEDULE.

And I further give notice, in terms of The Municipal Elections Amendment (Scotland) Act, 1870, that in respect the number of persons proposed for election as councillors in the burgh [*or* in the ward (*or* wards) *as the case may be*] does not exceed the 5 number of vacancies to be supplied in the burgh [*or* ward] there will be no poll, and the persons so proposed will on the day of election be declared to be elected councillors of the burgh.

Magistrates, &c.
Election (Scotland).

A

B I L L

To amend the laws for the Election of the Magistrates and Councillors of the Royal and Parliamentary Burghs in Scotland.

(Prepared and brought in by
the Lord Advocate and Mr. Secretary Bruce.)

*Ordered, by The House of Commons, to be Printed,
21 June 1870.*

[Bill 177.]

Under 1 oz.

A
B I L L

TO

Enable the senior Magistrate of populous Places in Scotland to act ex officio as a Justice of the Peace and Commissioner of Supply for the County in which the said populous Place is situated. A.D. 1870.

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years of Her present Majesty, chapter one hundred and one, intituled “An Act to make more effectual provision for regulating the police of towns and populous places in Scotland, and for lighting, cleansing, paving, draining, supplying water to, and improving the same, and also for promoting the public health thereof.” Preamble.

And whereas various populous places have been established and magistrates and commissioners therein appointed under the provisions of the said recited Act and other Acts therein recited, and it is expedient that the senior police magistrate of such places should be placed in the same position with regard to the county in which the said populous places are situated as the provosts of royal and parliamentary burghs :

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

1. In every populous place whereof the boundaries have been ascertained and fixed under the provisions of the said recited Act or the Act therein first recited the senior police magistrate elected under the provisions of either of the said Acts shall be ex officio a justice of the peace and commissioner of supply of the county within which the said populous place is situated ; and where any such populous place is partly situated in each of two or more counties, such senior police magistrate shall in like manner be ex officio a justice of the peace and a commissioner of supply of each and all of the several counties in which any part of such populous place may be situated.

Senior magistrate of a populous place to be a justice of the peace and a commissioner of supply.

[Bill 121.]

Magistrates in populous Places (Scotland).

A

B I L L

To enable the senior Magistrate of populous Places in Scotland to act ex officio as a Justice of the Peace and Commissioner of Supply for the County in which the said populous Place is situated.

*(Prepared and brought in by
Mr. Carnegie, Sir Edward Colebrooke, and
Mr. Orr Ewing.)*

*Ordered, by The House of Commons, to be Printed,
9 May 1870.*

[Bill 121.]

Under 1 oz.

A
B I L L

TO

Render legal Marriage with a deceased Wife's Sister.

A.D. 1870.

WHEREAS it is expedient to amend the law as to marriage with a deceased wife's sister :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. No marriage between a man and his deceased wife's sister heretofore celebrated or contracted at any place whatsoever within the realm or without, or which shall hereafter be celebrated or
10 contracted in England or Ireland in the office of any registrar under the provisions of the Acts relating to marriages in England and Ireland or be contracted in Scotland, shall be deemed to have been or shall be void or voidable by reason only of the affinity of the parties thereto, or by reason of any statute or of any canonical
15 or other objection or impediment founded only on such affinity to the validity of any such marriage or to the celebration thereof, or to the validity of any licence or certificate under which the same may have been celebrated; and the registers of all such marriages in England or Ireland, or authenticated copies thereof, and such
20 evidence as would be proof of any other marriage in Scotland, shall be received in all courts of law or equity, and for all purposes, as evidence of such marriages respectively.

Marriage between a man and his deceased wife's sister not void or voidable.

2. Provided always, that nothing herein contained shall render valid any marriage with the sister of a deceased wife where either
25 of the parties has afterwards, during the life of the other and before the passing of this Act, lawfully intermarried with any other person.

Excepted cases.

3. Provided also, that this Act, so far as it relates to any marriage with the sister of a deceased wife, celebrated or contracted
30 before the passing of this Act, shall not invalidate or affect any right to any dignity or title of honour, or any estate, right, title, or

Provision for saving rights.

[Bill 11.]

A.D. 1870. interest, legal or equitable, in or to any lands, hereditaments, chattels, or effects vested in any person before the passing of this Act, nor any contingent estate or interest, legal or equitable, in any lands, hereditaments, chattels real, chattels, or effects created by or derived from any settlement, grant, conveyance to uses, release, 5 appointment, or other instrument bonâ fide executed before the passing of this Act, or by or from any devise or will which shall have become operative by the death of the devisor or testator before the passing of this Act.

Marriage with a
deceased Wife's Sister.

A

B I L L

To render legal Marriage with a deceased
Wife's Sister.

(Prepared and brought in by
Mr. Thomas Chambers and Mr. Morley.)

Ordered, by The House of Commons, to be Printed,
10 February 1870.

[Bill 11.]
Under 1 oz.

A
B I L L

TO

Facilitate the Execution and Acknowledgment of Deeds by A.D. 1870.
Married Women.

- W**HEREAS under and by virtue of an Act passed in the third 3 & 4 W. 4.
and fourth years of the reign of His late Majesty King c. 74.
William the Fourth, intituled "An Act for the abolition of fines and
" recoveries, and for the substitution of more simple modes of
5 " assurance," a married woman is enabled, with her husband's con-
currence, to dispose by deed of lands, and of money subject to be
invested in the purchase of lands, and also to dispose of, release,
surrender, or extinguish any estate which she alone, or she and her
husband in her right, may have in any lands or any such money,
10 and also to release or extinguish any power vested in her in regard
to any lands or any such money as aforesaid, or in regard to any
estate in any lands or in any such money as aforesaid, as fully and
effectually as she could do if she were a feme sole, save and except
15 that no such disposition is valid and effectual unless the deed to be
executed by her be produced and acknowledged before a judge of
one of the superior courts at Westminster, or before a master in
chancery, or before two perpetual commissioners, or two special com-
missioners to be appointed under the provisions of the said Act;
20 and the person or persons taking the acknowledgment are to make
and return to the Court of Common Pleas a certificate of the
acknowledgment, which is to be filed in the said Court; and various
forms and regulations prescribed by the said Act and by the said
Court of Common Pleas have to be complied with to make such
disposition and acknowledgment effectual:
- 25 And whereas by another Act, passed in the seventeenth and 17 & 18 Vict.
eighteenth years of the reign of Her present Majesty, further pro- c. 75.
visions were made with regard to the acknowledgment of deeds by
married women:
- And whereas by another Act, passed in the twentieth and twenty- 20 & 21 Vict.
30 first years of the reign of Her present Majesty, married women are c. 57.
enabled to dispose by deed of certain reversionary interests in per-
sonal estate, and to release powers over such estate, and also their

[Bill 43.]

A +

A.D. 1870. rights to a settlement out of such estate, but so that every deed to be executed by a married woman for any of the purposes of that Act shall be acknowledged by her, and be otherwise perfected, in the manner prescribed by the said first-mentioned Act:

And whereas it is desirable to facilitate the execution and acknowledgment of deeds by married women :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10

From 31st Oct. 1870 provisions in said recited Acts as to acknowledgment of deeds by married women repealed.

1. That from and after the *thirty-first day of October one thousand eight hundred and seventy* all the provisions contained in the said three several Acts herein-before mentioned, or any or either of them, with regard to the acknowledgment of deeds by married women before a judge of one of the superior courts at Westminster, or a master in chancery, or before two of the perpetual commissioners, or two special commissioners appointed as in the said first-mentioned Act is provided, and the making, returning, filing, and completion of the certificate of such acknowledgment, or otherwise in relation thereto, shall be and the same are hereby repealed.

20

Saving as to acknowledgment taken before that day where proceedings not then completed.

2. Provided always, that all the powers and provisions of the said Acts, or any or either of them, shall remain in full force and effect with regard to any acknowledgment by a married woman which may have been taken on or before the said *thirty-first day of October one thousand eight hundred and seventy*, but the proceedings with regard to which shall not be completed on that day.

25

Mode of executing deeds by married women after 31st Oct. 1870.

3. From and after the *thirty-first day of October one thousand eight hundred and seventy*, every deed to be executed by a married woman, and which by the said Acts or any of them is required to be acknowledged, shall be valid and effectual if acknowledged by her as her act and deed before a judge of one of the superior courts at Westminster, or before any perpetual commissioner appointed under the provisions of the first-mentioned Act, or before any commissioner to administer oaths in chancery in England, or any London commissioner to administer oaths in chancery, or a special commissioner to be appointed as herein-after provided, and if the provisions contained in the said Acts for giving validity to deeds executed by married women (except such of them as relate to acknowledgment) be observed and complied with.

30

35

Where married women resident abroad or in ill health,

4. In every case where, by reason of residence beyond seas, or ill health, or any other sufficient cause, any married woman shall be prevented from making the acknowledgment required by this

40

Act before a judge or any such commissioner as aforesaid, it shall be lawful for the Court of Common Pleas at Westminster, or any judge of that court, to issue a commission specially appointing any person therein named to be a commissioner to take the

A.D. 1870.

a special commissioner to be appointed.

5 acknowledgment by any married woman to be therein named of any such deed as aforesaid: Provided always, that every such commission shall be made returnable within such time, to be therein expressed, as the said court or judge shall think fit, and shall be in the form or to the effect set forth in the schedule hereto.

10 **5.** No such commissioner as aforesaid shall be competent to take any such acknowledgment who is in any manner interested in the transaction giving occasion for such acknowledgment, or who is concerned therein as attorney, solicitor, or agent, or as clerk to any attorney, solicitor, or agent so interested or concerned.

Commissioner not to be party interested.

15 **6.** Every such judge or commissioner, before taking the acknowledgment by any married woman of any deed by which any disposition, release, surrender, or extinguishment shall be made by her under the said recited Acts or any of them, shall examine her apart from her husband touching her knowledge of such deed, and shall ascertain whether she freely and voluntarily consents to such deed, and unless she freely and voluntarily consents to such deed he shall not accept such acknowledgment by her.

The judge or commissioner before taking acknowledgment to examine married woman apart from her husband.

25 **7.** When a married woman shall acknowledge any such deed as aforesaid, the judge or commissioner taking such acknowledgment shall sign a memorandum, to be indorsed on or written at the foot or in the margin of such deed, in the form set forth in the schedule hereto; and such memorandum, when so signed, shall be conclusive evidence of such acknowledgment, and that all the provisions of this Act in relation thereto were duly observed and complied with.

Judge or commissioner taking acknowledgment to sign memorandum of same on deed.

35 **8.** Every such commissioner shall be entitled to charge and take for the examination of every married woman and her acknowledgment of any such deed, and for the memorandum to be signed as aforesaid by such commissioner, and for his signature thereto, the same fee as is now allowed by law to each separate commissioner on taking the acknowledgment of a married woman.

Fee to be taken by commissioner.

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I, one of the justices of Her Majesty's Court of Common Pleas at Westminster, do, by virtue of the statute in that case made and provided, appoint of special commissioner to take the acknowledgment of the wife of now residing at, of any deed by which it is intended that any disposition, release, surrender, or extinguishment shall be made by her the said as a married woman, pursuant to the statute 3 & 4 Will. 4. c. 74, or pursuant to the statute 20 & 21 Vict. c. 57, or under the provisions of the statute 33 Vict. c. (this Act). And I do order and direct that this commission shall be executed and returned to the proper office of this court on or before the day of one thousand

This deed was this day produced before me, and acknowledged by _____ the wife of _____, 20
therein named, to be her act and deed, previous to which acknowledgment the said _____ was examined by me separately and apart from her husband, touching her knowledge of the contents of this deed, and her consent thereto, and declared the same to be freely and voluntarily executed by her. 25

Judge, commissioner, or special commissioner,
as the case may be.

Married Women's Ac- knowledgements.

A

B I L L

To facilitate the Execution and Acknow-
ledgment of Deeds by Married Women.

(*Prepared and brought in by
Mr. Dodds and Mr. Goldney.*)

*Ordered, by the House of Commons, to be Printed,
22 February 1870.*

[Bill 43.]

Under 1 oz.

+

A

B I L L

TO

Amend the Law relating to the Property of Married Women. A.D. 1870.

WHEREAS it is desirable to amend the law of property and contract with respect to married women :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. A married woman shall be capable of holding, acquiring, alienating, devising, and bequeathing real and personal estate, of contracting, and of suing and being sued, as if she were a feme
10 sole. Married woman to be capable of holding property and of contracting as a feme sole.

Provided, that nothing herein contained shall empower a married woman to dispose otherwise than by will of any freehold or copyhold hereditaments, or any money subject to be invested in the purchase of freehold or copyhold hereditaments, or any future or reversionary
15 interest, whether vested or contingent, in personalty, or to release or extinguish any power which may be vested in her in regard to such freehold or copyhold hereditaments, money, or personal estate, but the power of disposition otherwise than by will now vested in married women over all such hereditaments and other property
20 shall remain the same as if this Act had not passed.

2. No judgment founded upon a contract made or act done by a woman during coverture, or execution thereon, shall bind or affect any property except such personal estate (if any) as she may be possessed of or entitled to for a present interest during her
25 coverture. Judgment on contract by wife to bind her personal estate.

3. Every woman who marries after this Act has come into operation shall, notwithstanding her coverture, have and hold all real and personal property, whether belonging to her before the Act to Property of women married after the Act to

[Bill 16.]

A

be held by
them as if
unmarried.

marriage or acquired by her in any way after marriage, free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried.

Property ac-
quired after
the Act by
women mar-
ried before
the Act to be
held by them
as if unmar-
ried.

4. Every woman married before this Act has come into operation shall, notwithstanding her coverture, have and hold all the real and personal estate, her right to which shall arise after this Act shall have come into operation, free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried; but nothing herein contained shall exempt any such property from the operation of any settlement or covenant to which it would have been subject if this Act had not passed, or shall prejudice any rights or interest to which her husband or any person claiming through him may be entitled at the date at which this Act comes into operation.

The earn-
ings of a
married
woman to be
her property.
Husband not
to be liable
on his wife's
contracts
before mar-
riage.

5. The earnings of a married woman in any trade or other occupation carried on by her as a principal separately from her husband shall be deemed to be her property acquired after marriage.

6. A husband shall not by reason of any marriage which shall take place after this Act has come into operation be liable for the debts of his wife contracted before marriage, but the wife shall be liable for such debts as if she had continued unmarried.

Husband not
to be liable
for his wife's
torts.

7. No husband shall by reason of the marriage be liable in damages for any wrong committed by his wife.

Restrictions
as to actions
between
husband and
wife.

8. No husband or wife shall be entitled to sue the other in any action at law for a tort, except in respect of property; and in case any action shall be brought by one against the other, it shall be competent for any judge of the court in which such action shall be brought, on the application in a summary way of the defendant, in case such judge shall think such action frivolous or vexatious, to stay the proceedings thereon, either absolutely or upon such terms as to costs and otherwise as he shall think just.

Husband and
wife to be
sued together
when either
contracts as
agent for the
other.

9. If a wife shall contract a debt as the agent of her husband, she shall be liable to be sued for the same, together with him, but as between the husband and wife she shall be deemed his surety, and shall be entitled to the same remedy over against her husband for indemnity, as in the ordinary case a surety has against the principal debtor; and if a husband shall contract a debt as the agent of his wife, he shall be liable to be sued for the same, together with her, but as between husband and wife he shall be deemed her surety, and shall be entitled to the same remedy over against her

for indemnity, as in the ordinary case a surety has against the principal debtor. A.D. 1870.

10. In any question between husband and wife as to the title to or possession of property, either party may apply by summons or otherwise in a summary way to any judge of the High Court of Chancery, or (at the option of the applicant irrespectively of the value of the property in dispute) to the judge of the county court of the district in which either party resides, and the judge of the High Court of Chancery or of the county court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit, or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit: Provided always, that any order of a judge of the High Court of Chancery to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge in a suit pending in the said court would be, and any order of a county court judge under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge on an equitable plaint would be; provided also, that the judge of the High Court of Chancery or of the county court, if either party so require, may hear such application in his private room.

Questions between husband and wife as to chattels to be decided in a summary way.

11. When a wife having real or personal estate has allowed her husband to receive the rents and profits or income thereof, the husband shall not by force of such receipt be held liable to account for such rents, profits, or income.

Husband's liability to account for wife's income and personalty.

12. Where the husband of any woman having property of her own becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in petty sessions assembled, upon application of the guardians of the poor, issue a summons against the wife, and make and enforce such order against her for the maintenance of her husband as by the thirty-third section of "The Poor Law Amendment Act, 1868," they may now make and enforce against a husband for the maintenance of his wife, who becomes chargeable to any union or parish.

Married woman to be liable to the parish for the maintenance of her husband.

13. A married woman having property of her own shall be subject to all such liability, for the maintenance of her children, as a widow is now by law subject to for the maintenance of her children: Provided always, that nothing in this Act shall relieve her husband from any liability at present imposed upon him by law to maintain her children.

Married woman to be liable to the parish for the maintenance of her children.

Saving of
existing set-
tlements, and
power to
make future
settlements.

14. Nothing in this Act contained shall interfere with or affect any settlement, agreement for a settlement, or other instrument made or to be made, whether before or after marriage, respecting the property of any married woman, or especially shall interfere with or render inoperative any restriction against anticipation at present 5 attached or to be hereafter attached to the enjoyment of any property or income by a wife under any settlement, agreement for a settlement, will, or other instrument; but no settlement or agreement for a settlement of a wife's own property to be made or entered into by herself, and no restriction against anticipation contained in any 10 such settlement or agreement for a settlement, shall (unless such settlement or agreement for a settlement have been made before marriage) have any greater force or validity against creditors of such wife than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors. 15

Married
women's
separate
estate to
be liable for
her contracts.

15. Property, whether real or personal, settled to the separate use of a married woman, without restraint against anticipation, shall be subject in equity to the same liabilities as her personal property in possession not so settled would be subject at law under the provisions of this Act. 20

Power to
women,
during mi-
nority, to
make binding
settlements.

16. Any woman during her minority may, with the consent of her parent or guardian and of her intended husband, make or enter into any settlement or agreement for a settlement in con-templation of marriage, and the settlement or agreement for a settlement so made or entered into shall be as binding upon her, and 25 those claiming under her, as if she had been of full age at the date thereof.

Distribution
of personal es-
tate of a mar-
ried woman
dying intes-
tate.

17. Upon the death of a wife intestate her husband shall take the same distributive share in her personal estate as a wife would take in the personal estate of her husband if he died intestate, and, 30 subject thereto, her personal estate shall go to her next of kin according to the Statute of Distributions.

Reservation
of tenancy
by curtesy.

18. Nothing contained in this Act shall affect the right of any husband to hold as tenant by the curtesy any real estate to which his wife shall be entitled at her death. 35

Commence-
ment of Act.
Act not to
extend to
Scotland.
Short title
of Act.

19. This Act shall come into operation on the *first day of January one thousand eight hundred and seventy-one.*

20. This Act shall not extend to Scotland.

21. This Act may be cited as the "Married Women's Property Act, 1870." 40

Married Women's Property.

A

B I L L

TO

Amend the Law relating to the Property
of Married Women.

(*Prepared and brought in by*
Mr. Russell Gurney, Mr. Headlam, and
Mr. Jacob Bright.)

Ordered, by The House of Commons, to be Printed,
11 February 1870.

[Bill 16.]

Under 1 oz.

A
B I L L

[WITH THE AMENDMENTS MADE BY THE LORDS]

INTITULED)

An Act to amend the Law relating to the Property of A.D. 1870.
Married Women.

[Note.—*The Words in Italics and Clauses A. to L. were inserted by the Lords, and the Words struck through were omitted by the Lords.*]

WHEREAS it is desirable to amend the law of property and contract with respect to married women :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

~~1. A married woman shall be capable of holding, acquiring, alienating, devising, and bequeathing real and personal estate, of contracting, and of suing and being sued, as if she were a feme sole.~~ Married woman to be capable of holding property and of contracting as a feme sole.

10 ~~Provided, that nothing herein contained shall empower a married woman to dispose otherwise than by will of any freehold or copyhold hereditaments, or any money subject to be invested in the purchase of freehold or copyhold hereditaments, or any future or reversionary interest, whether vested or contingent, in personalty, or to release or extinguish any power which may be~~
15 ~~vested in her in regard to such freehold or copyhold hereditaments, money, or personal estate, but the power of disposition otherwise than by will now vested in married women over all such hereditaments and other property shall remain the same as if this Act had not passed.~~

20 ~~2. No judgment founded upon a contract made or act done by a woman during coverture, or execution thereon, shall bind or affect any property except such personal estate (if any) as she may be possessed of or entitled to for a present interest during her coverture.~~ Judgment on contract by wife to bind her personal estate.

25 ~~3. Every woman who marries after this Act has come into operation shall, notwithstanding her coverture, have and hold all real and personal property, whether belonging to her before marriage or acquired by her in~~ Property of women married after the Act to

[Bill 238.]

A

A.D. 1870.

be held by
them as if
unmarried.

Property ac-
quired after
the Act by
women mar-
ried before
the Act to be
held by them
as if unmar-
ried.

~~any way after marriage, free from the debts and obligations of her husband,
and from his control or disposition, in all respects as if she had continued
unmarried.~~

4. ~~Every woman married before this Act has come into operation shall,
notwithstanding her coverture, have and hold all the real and personal estate,
her right to which shall arise after this Act shall have come into operation,
free from the debts and obligations of her husband, and from his control or
disposition, in all respects as if she had continued unmarried; but nothing
herein contained shall exempt any such property from the operation of any
settlement or covenant to which it would have been subject if this Act had
not passed, or shall prejudice any rights or interest to which her husband or
any person claiming through him may be entitled at the date at which this
Act comes into operation.~~

The earnings
of a married
woman to be
her property.

5. ~~The earnings of a married woman in any trade or other occupation
carried on by her as a principal separately from her husband shall be
deemed to be her property acquired after marriage.~~

CLAUSE A.
Earnings
of married
women to be
deemed their
own prop-
erty.

The wages and earnings of any married woman acquired or gained
by her after the passing of this Act in any employment, occupation,
or trade in which she is engaged or which she carries on separately
from her husband, and also any money or property so acquired by
her through the exercise of any literary, artistic, or scientific skill,
and all investments of such wages, earnings, money, or property,
shall be deemed and taken to be property held and settled to her
separate use, independent of any husband to whom she may be
married; and her receipts alone shall be a good discharge for such
wages, earnings, money, and property.

CLAUSE B.
Deposits in
savings
banks by a
married
woman to be
deemed her
separate
property.

Notwithstanding any provision to the contrary in the Acts
relating to savings banks and post office savings banks, any deposit
hereafter made and any annuity granted through Her Majesty's
Postmaster General in the name of a married woman, or in the name
of a woman who may marry after such deposit or grant, shall be
deemed to be the separate property of such woman, and the same
shall be accounted for and paid to her as if she were an unmarried
woman; provided that if any such deposit is made by, or such
annuity granted to a married woman by means of moneys of her
husband without his consent, the Court may, upon an application
under section nine of this Act, order such deposit or annuity or any
part thereof to be paid to the husband.

CLAUSE C.
As to mar-
ried woman's
property in
the Funds.

Any married woman, or any woman about to be married, may
apply to the Governor and Company of the Bank of England, by a
form to be provided by the said governor and company for that

purpose, that any sum forming part of the public stocks and funds, and not being less than twenty pounds, to which the woman so applying is entitled, or which she is about to acquire, may be transferred to or made to stand in the books of the said governor and company in the name or intended name of the woman as a married woman entitled to her separate use; and on such sum being entered in the books of the said governor and company accordingly, the same shall be deemed to be the separate property of such woman, and shall be transferred and the dividends paid as if she were an unmarried woman; provided that if any such investment in the funds is made by a married woman by means of moneys of her husband without his consent the Court may, upon an application under section nine of this Act, order such investment and the dividends thereof, or any part thereof, to be transferred and paid to the husband.

A.D. 1870.

Any married woman, or any woman about to be married, may apply in writing to the directors or managers of any incorporated or joint stock company that any fully paid up shares, or any debenture or debenture stock, or any stock of such company to the holding of which no liability is attached, and to which the woman so applying is entitled, may be registered in the books of the said company in the name or intended name of the woman as a married woman, entitled to her separate use, and it shall be the duty of such directors or managers to register such shares or stock accordingly, and the same, upon being so registered, shall be deemed to be the separate property of such woman, and shall be transferred and the dividends and profits paid as if she were an unmarried woman; provided that if any such investment as last mentioned is made by a married woman by means of moneys of her husband without his consent the Court may, upon an application under section nine of this Act, order such investment and the dividends and profits thereon, or any part thereof, to be transferred and paid to the husband.

CLAUSE D.
As to married woman's property in a Joint Stock Company.

Any married woman, or any woman about to be married, may apply in writing to the committee of management of any industrial and provident society, or to the trustees of any friendly society, benefit building society, or loan society duly registered, certified, or enrolled under the Acts relating to such societies respectively, that any share, benefit, debenture, right, or claim whatsoever in, to, or upon the funds of such society, to the holding of which share, benefit, or debenture no liability is attached, and to which the woman so applying is entitled, may be entered in the books of the society in the name or intended name of the woman

CLAUSE E.
As to married woman's property in a society.

A.D. 1870. as a married woman, entitled to her separate use; and it shall be the duty of such committee or trustees to cause the same to be so entered, and thereupon such share, benefit, debenture, right, or claim shall be deemed to be the separate property of such woman, and shall be transferable and payable with all dividends and profits thereon as if she were an unmarried woman; provided that if any such share, benefit, debenture, right, or claim has been obtained by a married woman by means of moneys of her husband without his consent, the Court may upon an application under section nine of this Act order the same and the dividends and profits thereon, or any part thereof, to be transferred and paid to the husband.

CLAUSE F.
Deposit of
moneys in
fraud of
creditors
invalid.

Nothing herein-before contained in reference to moneys deposited in or annuities granted by savings banks or moneys invested in the funds or in shares or stock of any company shall as against creditors of the husband give validity to any deposit or investment of moneys of the husband made in fraud of such creditors, and any moneys so deposited or invested may be followed as if this Act had not passed.

CLAUSE G.
Personal
property
coming to a
married
woman to be
her own.

Where any woman married after the passing of this Act shall during her marriage become entitled to any personal property as next of kin or one of the next of kin of an intestate, or to any sum of money not exceeding two hundred pounds under any deed or will, such property shall, subject and without prejudice to the trusts of any settlement affecting the same, belong to the woman for her separate use, and her receipts alone shall be a good discharge for the same.

CLAUSE H.
Freehold
property
coming to a
married
woman to be
her own.

Where any freehold, copyhold, or customaryhold property shall descend upon any woman married after the passing of this Act as heiress or co-heiress of an intestate, the rents and profits of such property shall, subject and without prejudice to the trusts of any settlement affecting the same, belong to such woman for her separate use and her receipts alone shall be a good discharge for the same.

CLAUSE I.
How ques-
tions as to
ownership of
property to
be settled.

In any question between husband and wife as to property declared by this Act to be the separate property of the wife, either party may apply by summons or motion in a summary way, either to the Court of Chancery or (irrespective of the value of the property) the judge of the County Court of the district in which either party resides, and thereupon the judge may make such order, direct such inquiry, and award such costs as he shall think fit; provided that any order made by such judge shall be subject to appeal in the same manner as the order of the same judge made in a pending

suit or on an equitable plaint would have been, and the judge may, A.D. 1870.
if either party so require, hear the application in his private room.

A married woman may effect a policy of insurance upon her own life or the life of her husband for her separate use, and the same and all benefit thereof, if expressed on the face of it to be so effected, shall enure accordingly, and the contract in such policy shall be as valid as if made with an unmarried woman.

CLAUSE K.
Married woman may effect policy of insurance.

A policy of insurance effected by any married man on his own life, and expressed upon the face of it to be for the benefit of his wife or of his wife and children, or any of them, shall enure and be deemed a trust for the benefit of his wife for her separate use, and of his children, or any of them, according to the interest so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband or to his creditors, or form part of his estate. When the sum secured by the policy becomes payable, or at any time previously, a trustee thereof may be appointed by the Court of Chancery or the County Court of the district in which the insurance office is situated, and the receipt of such trustee shall be a good discharge to the office. If it shall be proved that the policy was effected and premiums paid by the husband with intent to defraud his creditors, they shall be entitled to receive out of the sum secured an amount equal to the premiums so paid.

As to insurance of a husband for benefit of his wife.

A married woman may maintain an action in her own name for the recovery of any wages, earnings, money, and property by this Act declared to be her separate property, or of any property belonging to her before marriage, and which her husband shall, by writing under his hand, have agreed with her shall belong to her after marriage as her separate property, and she shall have in her own name the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money, and property, and of any chattels or other property purchased or obtained by means thereof for her own use, as if such wages, earnings, money, chattels, and property belonged to her as an unmarried woman; and in any indictment or other proceeding it shall be sufficient to allege such wages, earnings, money, chattels, and property to be her property.

CLAUSE L.
Married women may maintain an action.

6. A husband shall not by reason of any marriage which shall take place after this Act has come into operation be liable for the debts of his wife contracted before marriage, but the wife shall be
40 liable ~~for~~ to be sued for, and any property belonging to her for her separate use shall be liable to satisfy, such debts as if she had continued unmarried.

Husband not to be liable on his wife's contracts before marriage.

Husband not to be liable for his wife's torts.

~~7. No husband shall by reason of the marriage be liable in damages for any wrong committed by his wife.~~

Restrictions as to actions between husband and wife.

~~8. No husband or wife shall be entitled to sue the other in any action at law for a tort, except in respect of property; and in case any action shall be brought by one against the other, it shall be competent for any judge of the court in which such action shall be brought, on the application in a summary way of the defendant, in case such judge shall think such action frivolous or vexatious, to stay the proceedings thereon, either absolutely or upon such terms as to costs and otherwise as he shall think just.~~

Husband and wife to be sued together when either contracts as agent for the other.

~~9. If a wife shall contract a debt as the agent of her husband, she shall be liable to be sued for the same, together with him, but as between the husband and wife she shall be deemed his surety, and shall be entitled to the same remedy over against her husband for indemnity, as in the ordinary case a surety has against the principal debtor; and if a husband shall contract a debt as the agent of his wife, he shall be liable to be sued for the same, together with her, but as between husband and wife he shall be deemed her surety, and shall be entitled to the same remedy over against her for indemnity, as in the ordinary case a surety has against the principal debtor.~~

Questions between husband and wife as to chattels to be decided in a summary way.

~~10. In any question between husband and wife as to the title to or possession of property, either party may apply by summons or otherwise in a summary way to any judge of the High Court of Chancery, or (at the option of the applicant irrespectively of the value of the property in dispute) to the judge of the county court of the district in which either party resides, and the judge of the High Court of Chancery or of the county court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit, or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit: Provided always, that any order of a judge of the High Court of Chancery to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge in a suit pending in the said court would be, and any order of a county court judge under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge on an equitable claim would be; provided also, that the judge of the High Court of Chancery or of the county court, if either party so require, may hear such application in his private room.~~

Husband's liability to account for wife's income and personality.

~~11. When a wife having real or personal estate has allowed her husband, or a husband having real or personal estate has allowed his wife, to receive the rents and profits or income thereof, the husband or the wife, as the case may be, shall not by force of such receipt be held liable to account for such rents, profits, or income.~~

12. Where the husband of any woman having *separate* property of ~~her own~~ becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in petty sessions assembled, upon application of the guardians of the poor, issue a summons
 5 against the wife, and make and enforce such order against her for the maintenance of her husband as by the thirty-third section of "The Poor Law Amendment Act, 1868," they may now make and enforce against a husband for the maintenance of his wife, who becomes chargeable to any union or parish.
- 10 13. A married woman having *separate* property of ~~her own~~ shall be subject to all such liability, for the maintenance of her children, as a widow is now by law subject to for the maintenance of her children: Provided always, that nothing in this Act shall relieve her husband from any liability at present imposed upon him by law to maintain
 15 her children.
- ~~14. Nothing in this Act contained shall interfere with or affect any settlement, agreement for a settlement, or other instrument made or to be made, whether before or after marriage, respecting the property of any married woman, or especially shall interfere with or render inoperative~~
 20 ~~any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a wife under any settlement, agreement for a settlement, will, or other instrument; but no settlement or agreement for a settlement of a wife's own property to be made or entered into by herself, and no restriction against anticipation~~
 25 ~~contained in any such settlement or agreement for a settlement, shall (unless such settlement or agreement for a settlement have been made before marriage) have any greater force or validity against creditors of such wife than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.~~
- 30 15. Property, whether real or personal, settled to the separate use of a married woman, without restraint against anticipation, shall be subject in equity to the same liabilities as her personal property in possession not so settled would be subject at law under the provisions of this Act.
- ~~16. Any woman during her minority may, with the consent of her parent or~~
 35 ~~guardian and of her intended husband, make or enter into any settlement or agreement for a settlement in contemplation of marriage, and the settlement or agreement for a settlement so made or entered into shall be as binding upon her, and those claiming under her, as if she had been of full age at the date thereof.~~
- 40 17. Nothing contained in this Act shall affect the right of any husband to hold as tenant by the curtesy any real estate to which his wife shall be entitled at her death.

A.D. 1870.

Married woman to be liable to the parish for the maintenance of her husband.

Married woman to be liable to the parish for the maintenance of her children.

Saving of existing settlements, and power to make future settlements.

Married women's separate estate to be liable for her contracts.

Power to women, during minority, to make binding settlements.

Reservation of tenancy by curtesy.

- A.D. 1870 **18.** This Act shall come into operation on the first day of
 Commence- ~~January~~ *November* one thousand eight hundred and ~~seventy-one~~
 ment of Act. *seventy.*
- Act not to **19.** This Act shall not extend to Scotland.
 extend to
 Scotland.
 Short title **20.** This Act may be cited as the "Married Women's Property 5
 of Act. Act, 1870."

Married Women's Property.

A

B I L L

[WITH THE AMENDMENTS MADE BY THE
LORDS]

INTITLED

An Act to amend the Law relating to
the Property of Married Women.

*Ordered, by The House of Commons, to be Printed,
25 July 1870.*

[Bill 238.]

Under 1 oz.

A
B I L L

TO

Protect the Property of Married Women.

A.D. 1870.

WHEREAS it is desirable to protect by law the property of married women :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The husband of every woman who marries after this Act has come into operation, without any settlement or agreement for a settlement being made in contemplation of such marriage, shall be in equity a trustee of all her real and personal property, whether belonging to her before marriage or acquired by or accruing to her in any manner after marriage, excepting such parts thereof as are transferable by mere delivery, but including all securities for money though transferable in such manner, and he shall hold the same upon the trusts herein-after in that behalf declared.

Husband of woman marrying after the Act to be trustee of her property.

2. The husband of every woman married before this Act has come into operation shall be in equity a trustee of all her real and personal property her title to which shall accrue to or be acquired by her after this Act has come into operation, excepting such parts thereof as are transferable by mere delivery, but including all securities for money though transferable in such manner, and he shall hold the same upon the trusts herein-after in that behalf declared; but nothing herein contained shall exempt any such property from the operation of any settlement or covenant to which it would have been subject if this Act had not passed, or shall prejudice any vested rights or interest to which her husband may be entitled at the date at which this Act comes into operation.

Husband of woman married before the Act to be trustee of her after acquired property.

3. Nothing in this Act contained shall enable such trustee to sell, transfer, or vary the investment of any property so held by him, without the sanction of the judge of a county court, to be obtained as herein-after provided; neither shall the payment or transfer to a husband of property accruing to him as such trustee in right of his wife be valid unless the same be paid or transferred in pursuance of an order signed by such wife.

Limitations of trustee's power.

[Bill 22.]

A

A.D. 1870.

Appointment
of a Vice-
Chancellor
and county
court judge
as temporary
trustees, and
of permanent
trustees of
married
women's pro-
perty.

4. A married woman shall be entitled to obtain, upon an ex-parte application made in a summary way to the judge for the time being of the county court of the district in which she resides, an order which shall divest her husband of all property of which he shall be trustee by virtue of this Act, and vest the same in the Vice-Chancellor of the Court of Chancery for the time being entrusted by the Lord Chancellor with the hearing of appeals from county courts, and the said judge, as trustees thereof; and it shall be competent to such judge to grant a similar order on the application of any other person interested in such property, provided that a month's notice of such application is given to such married woman and her husband. Such judge may also, upon such application as aforesaid of any person interested in such property, appoint one or more fit and proper person or persons to be trustee or trustees of such property in the place of such husband or of such Vice-Chancellor and judge, or of any trustee or trustees appointed under this power, and upon such appointment the person or persons in whom such property shall have been then previously vested shall be at once divested thereof, and the same shall at once be vested in such trustee or trustees so appointed as aforesaid. Such judge shall upon the making of any order or appointment under this section direct what notices thereof shall be given and to whom. Nothing herein contained shall be construed to repeal or interfere with any existing legislative enactments facilitating the appointment of new trustees of trust property.

Declaration
of trusts of
married
women's pro-
perty.

Power to
make special
settlement on
joint appli-
cation of the
parties.

5. The trusts upon which such husband, such Vice-Chancellor, and judge, and such trustee or trustees, shall stand possessed of the property vested in them by the operation of this Act, shall be—

- (1.) Such of the trusts, with such powers, provisoes, agreements, and declarations usually inserted by the High Court of Chancery in settlements made under its direction, as the said judge of the said county court shall at any time, upon the joint application of such married woman and her husband, after hearing them both, by his order direct. Such order to have the effect without any further deed of a settlement made in contemplation of marriage, and such order may be a mere variation of or addition to the trusts nextly herein declared: Provided always, that in such order such judge may allow a wider range of investments than is authorized by the Court of Chancery, or allow the property (if personal property) to be advanced to the husband on his personal security to be employed in any trade or business carried on by him:

(2.) In default of such order, or so far as such shall not extend A.D. 1870.

or be merely a variation of or in addition to the trusts
nextly herein declared, then upon trust to permit the
whole or part of such property to remain in its actual
state of investment, whatever that may be, or sell the
same, or any part or parts thereof, and lay out and invest
the moneys to be produced by such sale or sales in the
name of the trustee or trustees for the time being, in real
estate, or upon any of the stocks, funds, and securities
which shall from time to time be authorized by the High
Court of Chancery for trustees to invest in, and with
power at any time, or from time to time, to vary the said
investments for others of the nature aforesaid.

General trusts in absence of special settlement. Change of investments, subject to consent and sanction next mentioned.

Provided that every such investment and variation as aforesaid
shall be made with the consent in writing of such married woman
during her life, and with the sanction of the judge of the county
court of the district in which such married woman resides, or
resided at the time of her death; provided further, that such trustee
or trustees may, with such consent and sanction as aforesaid,
invest such property upon any other securities, or advance it to the
husband on his personal security, to be employed in any trade or
business carried on by him.

Consent of married woman and of county court judge required.

And it is hereby declared that the trustees or trustee for the time
being shall pay the annual income of the property unto such married
woman during her coverture, yet so that during coverture the same
may be for her sole and separate use without power of anticipation,
and shall, after the decease of such married woman happening in
the lifetime of her husband, pay the annual income of such property
to her husband during his life, until he shall assign the same or
become bankrupt, and from and after the decease of such husband
so surviving, or his assigning the same or becoming bankrupt, then
shall stand possessed of such property upon trust for such one or
more of the following persons, namely, the husband and children of
such married woman, in such shares and proportions as she shall
have by deed or will, notwithstanding her coverture, appointed, or
in default of such appointment, or so far as such as shall not
extend, then for such children equally, and in default of such
children then as she shall have by will, notwithstanding her
coverture, appointed, and in default of such appointment, or so far
as such shall not extend, for her next of kin, according to the
Statute of Distributions, but shall, in the event of such married
woman surviving her husband, stand possessed of such property
upon trust for her absolutely.

General trusts of income in absence of special settlement.

Power to married woman to appoint or devise property.

A.D. 1870.

Orders of
judge to be
registered.

Every county court judge making an order under the above provisions shall forthwith send by post notice of the same to the senior chief clerk of the Vice-Chancellor for the time being entrusted by the Lord Chancellor with the hearing of appeals from county courts, and such clerk shall register the same.

5

Protection of
married wo-
man's earn-
ings.

6. The judge of the county court of the district in which any married woman resides shall have power to grant an order for protection of her earnings when she can show that for six months immediately previous to her application for such order she has earned more than half the expenses of her family during that 10 period.

Notice to
husband.

Such order of protection shall not be made except upon seven days notice to the husband, unless the judge granting the same shall be satisfied that he cannot be found; and such order shall at any time be cancelled by such judge, upon the joint application of 15 such husband and wife.

Such order
to be re-
gistered.

Every judge granting or cancelling such order, and every authority now empowered to grant similar orders in cases of desertion, shall immediately send by post notice of the same to the senior chief clerk of the Vice-Chancellor for the time being entrusted by 20 the Lord Chancellor with the hearing of appeals from county courts, and such clerk shall register the same.

Married wo-
men holding
order of pro-
tection to be
capable of
holding pro-
perty and of
contracting as
a feme sole.

7. A married woman holding such order of protection shall be capable of holding, acquiring, alienating, devising, and bequeathing 25 real and personal estates accruing to her after the date of such order, and of suing and being sued as if she were a feme sole, and her husband shall not be liable for her acts or contracts until the cancelling of such order, but from and after the date of such order being cancelled he shall become liable for the same, whether done or entered into by her while such order had effect or afterwards. 30

Limitation of
powers of
such married
woman.

Provided that nothing herein contained shall empower a married woman to dispose, otherwise than by appointment as herein-before provided, or by will, of any freehold or copyhold hereditaments, or any money subject to be converted, in the purchase of freehold or copyhold hereditaments, or any future or reversionary interest, 35 whether vested or contingent in personalty, or to release or extinguish any power which may be vested in her in regard to such freehold or copyhold hereditaments, money, or personal estate, but the power of disposition now vested in married women over all such hereditaments and other property shall remain the same as if this Act had 40 not passed.

8. In every case of a married woman holding such order of protection, she shall while holding such order be considered as a feme sole for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding, and her husband shall not
 5 be liable in respect of any engagement or contract she may have entered into, or for any wrongful act or omission by her, or for any loss she may incur as plaintiff or defendant.

A.D. 1870.

Liability of
 women hold-
 ing such
 order.

9. Every woman holding such order of protection shall, notwithstanding her coverture, have and hold all real and personal property
 10 which shall accrue to or be acquired by her in any way after the date of such order of protection free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried, and also free from any statutory settlement under this Act; but nothing herein contained shall
 15 exempt any such property from any settlement or covenant to which it would have been subject if this Act had not passed, or shall prejudice any right or interest to which her husband, or any person claiming through him, may be entitled at the date at which this Act comes into operation.

Property of
 married wo-
 men holding
 order for pro-
 tection to be
 held by them
 as if unmar-
 ried.

20 10. The earnings of a married woman holding such order of protection, in any trade or other occupation carried on by her as a principal, separately from her husband, shall be deemed to be her property acquired after marriage.

The earnings
 of a married
 woman to be
 her property.

11. No husband or wife shall be entitled to sue the other in any
 25 action at law for a tort except in respect of property, and in case any action shall be brought by one against the other, it shall be competent for any judge of the court in which such action shall be brought, on the application in a summary way of the defendant, in case such judge shall think such action frivolous or vexatious,
 30 to stay the proceedings thereon, either absolutely or upon such terms as to costs and otherwise as he shall think just.

Restrictions
 as to actions
 between hus-
 band and
 wife.

12. In any question between husband and wife holding such order of protection as to the title to or possession of property, either party may apply by summons or otherwise in a summary way to
 35 any judge of the High Court of Chancery, or (at the option of the applicant, irrespectively of the value of the property in dispute,) to the judge of the county court of the district in which either party resides, and the judge of the High Court of Chancery or of the county court (as the case may be) may make such order with
 40 respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit, or may direct such

Questions
 between hus-
 band and wife
 as to chattels
 to be decided
 in a summary
 way.

A.D. 1870. application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit: Provided always, that any order of a judge of the High Court of Chancery to be made under the provisions of this section shall be subject to appeal, in the same way as an order made by the same 5 judge in a suit pending in the said court would be, and any order of a county court judge under the provisions of this section shall be subject to appeal, in the same way as an order made by the same judge on an equitable plaint would be: Provided also, that the judge of the High Court of Chancery or of the county court, if 10 either party so require, may hear such application in his private room.

Husband's liability to account for wife's income and person-
ality.

13. When a wife having real or personal estate held in trust for her under this Act, or acquired by or accruing to her after the obtaining of such order of protection, has allowed her husband to 15 receive or retain the rents and profits or income thereof, the husband shall not by force of such receipt be held liable to account for such rents, profits, or income.

Married woman to be liable to the parish for the maintenance of her husband.

14. Where the husband of any woman having property, either held in trust for her or acquired by or accruing to her after the 20 obtaining of such order of protection, ever becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in petty sessions assembled, upon application of the guardians of the poor, issue a summons against the wife, and make and enforce such order against her for the maintenance of her 25 husband as by the thirty-third section of "The Poor Law Amendment Act, 1868," they may now make and enforce against a husband for the maintenance of his wife who becomes chargeable to any union or parish.

Married woman to be liable to the parish for the maintenance of her children.

15. A married woman having property, either held in trust for 30 her or acquired by or accruing to her after the obtaining of such order of protection, shall be subject to all such liability for the maintenance of her children as a widow is now by law subject to for the maintenance of her children: Provided always, that nothing in this Act shall relieve her husband from any liability at present 35 imposed upon him by law to maintain her children.

Saving of existing settlements, and power to make future settlements.

16. Nothing in this Act contained shall interfere with or affect any settlement, agreement for a settlement, or other instrument made or to be made, whether before or after marriage, respecting the property of any married woman, or especially shall interfere 40

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with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a wife under any settlement, agreement for a settlement, will, or other instrument; but no settlement or
5 agreement for a settlement of a wife's own property, to be made or entered into by herself, and no restriction against alienation contained in any settlement or agreement for a settlement, shall (unless such settlement or agreement have been made before marriage) have any greater force or validity against creditors of
10 such wife than a life settlement or agreement for a settlement made or entered into by a man would have against his creditors.

17. Property, whether real or personal, settled to the separate estate of a married woman without restraint against anticipation, shall be subject in equity to the same liabilities as her personal
15 property in possession not so settled would be subject at law under the provisions of this Act if she held such order of protection as aforesaid.

Married woman's separate estate to be liable for her contracts.

18. Any woman during her minority may, with the consent of her parent or guardian, and of her intended husband, make or
20 enter into any settlement, or agreement for a settlement, in contemplation of marriage, and the settlement, or agreement for a settlement, so made or entered into, shall be as binding upon her and those claiming under her as if she had been of full age at the date thereof.

Power to women during minority to make binding settlements.

25 19. Upon the death of a wife intestate who at the time of her death was holding such order of protection, her husband shall take the same distributive share in her personal estate as a wife would take in the personal estate of her husband if he died intestate, and, subject thereto, her personal estate shall go to her next of kin,
30 according to the Statute of Distributions.

Distribution of personal estate of a married woman dying intestate, and holding order of protection.

20. Any settlement or agreement for a settlement of property made by a trader, or the director of a joint stock company, on or for his wife or children, not being made before and in consideration of marriage, nor being a settlement of property which has accrued
35 to the settlor after marriage in right of his wife, shall be void as against creditors, unless the same shall, within twenty-eight days from being made, be registered with the senior chief clerk of the Vice-Chancellor of the High Court of Chancery for the time being entrusted by the Lord Chancellor with the hearing of appeals from
40 county courts.

Voluntary settlements to be registered or be void.

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"Trader," shall for the purposes of this section mean the several persons in that behalf mentioned in the first schedule to "The Bankruptcy Act, 1869."

Provided always, that nothing in this section shall be construed to repeal the ninety-first section of "The Bankruptcy Act, 1869," or any part thereof.

Register to be kept by senior chief clerk of Vice-Chancellor entrusted with hearing of county court appeals.

21. The senior chief clerk of the Vice-Chancellor for the time being entrusted by the Lord Chancellor with the hearing of appeals from county courts shall keep a register, in which he shall enter, in such manner as the said Vice-Chancellor shall prescribe, particulars of all things which by this Act are required to be registered with or by him, and such register shall be open to public inspection, under such regulations, and for such fee not exceeding as such Vice-Chancellor shall prescribe.

Such register shall be notice to every one of all it contains. 15

Order to be entered by registrar of county court.

Every order made by a county court judge under the powers conferred on him by this Act shall be entered by the registrar of such county court in the same manner as orders of protection in cases of desertion are now directed to be entered by him.

Reservation of tenancy by curtesy.

22. Nothing in this Act shall affect the right of any husband to hold as tenant by the curtesy any real estate to which his wife shall be entitled at her death. 20

Commencement of Act.

23. This Act shall come into operation on the *first day of January one thousand eight hundred and seventy-one.*

Act not to extend to Scotland.
Short title of Act.

24. This Act shall not extend to Scotland. 25

25. This Act may be cited as the "Married Women's Property Protection Act, 1870."

**Married Women's Pro-
perty (No. 2).**

A

B I L L

To protect the Property of Married
Women.

*(Prepared and brought in by
Mr. Raikes, Mr. Staveley Hill, and Mr. West)*

*Ordered, by The House of Commons, to be Printed,
14 February 1870.*

[Bill 22.]

Under 2 az.

A

B I L L

TO

Provide for the administration of the law relating to A.D. 1870.
Matrimonial Causes and Matters, and to amend the law
relating to Marriages, in Ireland.

WHEREAS by "The Irish Church Act, 1869," after reciting that it was expedient that the union created by Act of Parliament between the Churches of England and Ireland as then by law established, should be dissolved, and that the Church of Ireland, as
5 so separated, should cease to be established by law, it was enacted that, on and after the first day of January one thousand eight hundred and seventy-one the said union created by Act of Parliament between the Churches of England and Ireland should be dissolved, and that the said Church of Ireland, in the said Act
10 referred to as "the said Church," should cease to be established by law; and it was further enacted that on and after the first day of January one thousand eight hundred and seventy-one all jurisdiction, whether contentious, or otherwise, of all the ecclesiastical, peculiar, exempt, and other courts and persons in Ireland at the
15 time of the passing of the said Act having any jurisdiction whatsoever exerciseable in any cause, suit, or matter, matrimonial, spiritual, or ecclesiastical, or in any way connected with or arising out of the ecclesiastical law of Ireland, should cease; and that on and after the said first day of January one thousand eight hundred and
20 seventy-one the Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, should be repealed, and that on and after the last-mentioned day the ecclesiastical law of Ireland, except in so far as relates to matrimonial causes and matters, should cease to exist as law; and by
25 the said Act it was provided that nothing in any Act, law, or custom should prevent the bishops, the clergy, and laity of the said Church so disestablished as aforesaid, and herein-after in this Act referred to as "the said Church," by such representatives, lay and clerical, and to be elected as they the said bishops, clergy, and laity

[Bill 223.]

A

2 Matrimonial Causes and Marriage Law (Ireland). [33 & 34 VICT.]

A.D. 1870. should appoint, from meeting in general synod or convention, and in such synod or convention framing constitutions and regulations for the general management and good government of the said Church, and property and affairs thereof, and the future representation of the members thereof in diocesan synods, general 5 convention, or otherwise; and also that, if at any time it should be shown to the satisfaction of Her Majesty that the bishops, clergy, and laity of the said Church, or the persons who, for the time being, might succeed to the exercise and discharge of the episcopal functions of such bishops, and the clergy and laity in 10 communion with such persons, had appointed any persons or body to represent the said Church, and to hold property for any of the uses or purposes thereof, it should be lawful for Her Majesty by charter to incorporate such body, with power, notwithstanding the statutes of mortmain, to hold lands to such extent as was in the 15 said Act provided, but not further or otherwise; and also that the Commissioners appointed by said Act might vest in the said representative body such churches as therein provided :

And whereas it is expedient to make provision in regard to suits which may be pending on the said first day of January one thousand 20 eight hundred and seventy-one, and for the enforcing of decrees and orders made before the said first day of January one thousand eight hundred and seventy-one, and for the due administration of the law in respect of matrimonial causes and matters, and to amend the law relating to marriages in Ireland : 25

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited for all purposes as "The Matrimonial 30 Causes and Marriage Law (Ireland) Amendment Act, 1870."

Commence- 2. This Act shall commence and have effect on the first day of 35 ment of Act. January one thousand eight hundred and seventy-one.

Limitation 3. This Act shall apply to Ireland only.

of Act. 4. In this Act—

Interpre- The term "bishop of the said Church" shall include any person 35 tation. who for the time being may succeed to the exercise and discharge of the episcopal functions of any person who at the passing of the said Irish Church Act was a bishop thereof:
The term "clergy and laity of the said Church" shall include 40 clergy and laity in communion with bishops of the said Church :

The term "Protestant Episcopalian" shall mean a member of any of the churches following; (that is to say,) A.D. 1870.

The said Church, the Church of England, the Episcopal Church of Scotland, and any other Protestant Episcopal Church.

PART I.

Matrimonial Causes and Matters.

5. All suits and proceedings in causes and matters matrimonial which, upon the first day of January one thousand eight hundred and seventy-one, shall be pending in any ecclesiastical court in Ireland shall be transferred to, dealt with, and decided by the Court for Matrimonial Causes and Matters herein-after mentioned, as if the same had been originally instituted in the said court, subject to the following qualification:
- 10 If, on the said first day of January one thousand eight hundred and seventy-one, any cause or matter which would be transferred to the said Court for Matrimonial Causes and Matters under the enactment herein-before contained shall have been heard before any judge having, at the time of such hearing, the same jurisdiction in relation to such cause or matter, and be then standing for judgment, such judge may, at any time within six weeks after the said first day of January one thousand eight hundred and seventy-one, give in to one of the registrars attending the Court for Matrimonial Causes and Matters a written judgment thereon, signed by him; and a decree or order, as the case may require, shall be drawn up in pursuance of such judgment, and every such decree or order shall have the same force and effect as if it had been drawn up in pursuance of a judgment of the Court for Matrimonial Causes and Matters on the day on which the same was delivered to the registrar.
6. Any decree or order of any ecclesiastical court of competent jurisdiction made before the first day of January one thousand eight hundred and seventy-one, in any cause or matter matrimonial, may be enforced or otherwise dealt with by the Court for Matrimonial Causes and Matters herein-after mentioned, in the same way as if it had been originally made by the said court under this Act.
7. From and after the first day of January one thousand eight hundred and seventy-one all jurisdiction now vested in or exerciseable
- As to suits then pending.
- Power for judges whose jurisdiction is determined to deliver written judgments.
- Decrees or orders previously made in any matrimonial cause or matter may be enforced by the Court herein-after mentioned. Former matrimonial jurisdiction

4 *Matrimonial Causes and Marriage Law (Ireland)*. [33&34 VICT.]

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of ecclesiastical courts to be exercised by the Court for Matrimonial Causes and Matters.

Judge of the Court of Probate to be judge of the Court for Matrimonial Causes and Matters.

In case of illness, &c., provision to supply place of judge.

Sittings of the court.

Seal of the court.

Officers of the court.

Court to act on the principles of the ecclesiastical courts.

by any ecclesiastical court or person in Ireland in respect of divorces a mensâ et thoro, suits of nullity of marriage, suits for restitution of conjugal rights or jactitation of marriage, and in all causes, suits, and matters matrimonial, except in respect of marriage licences, shall belong to and be vested in Her Majesty, and such jurisdiction shall be exercised in the name of Her Majesty in a court of record, to be called the Court for Matrimonial Causes and Matters. 5

8. The judge of the Court of Probate shall be the judge of the said Court for Matrimonial Causes and Matters, and shall have full authority to hear and determine all matters arising therein. 10

9. In case the Lord Chancellor of Ireland, in pursuance of the provisions of "The Probates and Letters of Administration Act (Ireland), 1857," shall request a judge of one of the superior courts of law in Ireland to sit for the judge of the Court of Probate, and exercise his powers, then such judge may also sit as judge of the Court of Matrimonial Causes and Matters, and exercise all the powers of the judge of the said court. 15

10. The Court for Matrimonial Causes and Matters shall hold its sittings in the court from time to time appointed for the hearing of causes in the Court of Probate in Ireland. 20

11. The Lord Chancellor shall direct a seal to be made for the said Court for Matrimonial Causes and Matters, and may direct the same to be broken, altered, and renewed at his discretion; and all decrees and orders, or copies of decrees or orders of the said court, purporting to be sealed with the said seal, shall be received in evidence without further proof thereof. 25

12. The registrars and other officers of the principal registry of the Court of Probate shall be also the registrars and officers of the said Court for Matrimonial Causes and Matters, and shall attend the sittings of the said Court for Matrimonial Causes and Matters, and assist in the proceedings thereof, and discharge in connexion therewith such duties as the judge of the said court shall direct; and the principal registry of the Court of Probate shall also be the registry of the Court for Matrimonial Causes and Matters. 30

13. In all suits and proceedings the said Court for Matrimonial Causes and Matters shall proceed and act and give relief on principles and rules which, in the opinion of the said court, shall be as nearly as may be conformable to the principles and rules on which the ecclesiastical courts of Ireland have heretofore acted and given relief, but subject to the provisions herein contained, and to the rules and orders to be made by the said court under this Act. 35 40

14. The judge of the said Court for Matrimonial Causes and Matters, with the approbation of the Lord Chancellor and Lord Justice of Appeal in Chancery, shall make, and, when made, may add to, rescind, amend, or alter, rules and regulations with respect to the following matters :

A.D. 1870.
Court may make rules and regulations for procedure of practice and fees.

1. The procedure and practice in matrimonial causes and matters :
2. The scale of costs and fees to be charged upon any proceedings in such matrimonial causes and matters, subject nevertheless to the sanction of the Commissioners of Her Majesty's Treasury as to the amount of fees to be charged.

Any rules and regulations, and every addition, alteration, or amendment to, in, or of the same, made in pursuance of this section, shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act.

The judge of the said Court for Matrimonial Causes and Matters shall cause a copy of any rules relating to fees to be charged, and every addition, reduction, alteration, or amendment to, in, or of such rules, to be published in the Dublin Gazette; and no other fees than those specified and allowed in such rules shall be demanded or taken.

15. No fee payable under this part of this Act shall be received in money, but the same shall be received by a stamp denoting the amount of the fee which otherwise would be payable.

Fees not to be paid in money, but by stamps.

16. All the provisions of sections one hundred and five, one hundred and six, and one hundred and seven of the Probates and Letters of Administration Act (Ireland), 1857, relating to stamps and fees, and to the punishment of fraudulent acts or practices relating thereto, shall be deemed to apply and shall apply to stamps and fees authorized to be taken by this part of this Act, or any rules made in pursuance thereof, and to the punishment of fraudulent acts or practices relating thereto, in like manner in every respect as if the said last-mentioned stamps and fees were authorized to be taken by the said Act.

Sections 105-107 of 20 & 21 Vict. c. 29. to apply to stamps, &c.

17. All persons admitted to practise as advocates or proctors respectively in any ecclesiastical court in Ireland, and all barristers, attorneys, and solicitors entitled to practise in the superior courts at Dublin, shall be entitled to practise in the said Court for Matrimonial Causes and Matters.

Power for advocates, barristers, &c. to practise in the court.

18. All letters patent (if any), records, deeds, processes, acts, proceedings, books, documents, or other instruments or papers re-

All records, books, &c. to be trans-

6 *Matrimonial Causes and Marriage Law (Ireland)*. [33&34VICT.]

A.D. 1870. mitted to the principal registry of the court. lating to marriages or to any matters or causes matrimonial shall, within two months after the said first day of January one thousand eight hundred and seventy-one, be transmitted by the respective judges, registrars, or other officers of the several ecclesiastical courts in Ireland, or other the persons then having the custody or possession of the same, to the principal registry of the said Court for Matrimonial Causes and Matters. 5

Mode of taking evidence. 19. Subject to such rules and regulations as may be established as herein provided, the witnesses in all proceedings before the said Court for Matrimonial Causes and Matters, where their attendance can be had, shall be sworn and examined orally in open court: Provided that parties, except as herein-before provided, shall be at liberty to verify their respective cases in whole or part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party or by direction of the court, be subject to be cross examined by or on behalf of the opposite party orally in open court, and after such cross examination may be re-examined orally in open court by or on behalf of the party by whom such affidavit was filed. 15

Powers to issue commissions, &c. 20. The said Court for Matrimonial Causes and Matters shall have the same powers to compel the attendance of witnesses and the production of documents, and for that purpose to issue writs of subpcena and subpcena duces tecum, and also the same powers to issue commissions for the examination of witnesses, and to give orders in respect of such examinations and to enforce the same, as are now vested in and capable of being exercised by the Court of Probate. 25

Penalties for false evidence. 21. All persons wilfully deposing or affirming falsely in any proceeding before the said court shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attached thereto. 30

Appeal. 22. Any person considering himself aggrieved by any final or interlocutory decree or order of the said Court for Matrimonial Causes and Matters may appeal therefrom to the Court of Appeal in Chancery, and thence to the House of Lords: Provided always, that no appeal from any interlocutory order of the said court shall be made without leave of the said court first obtained, but on the hearing of an appeal from any final decree all interlocutory orders complained of shall be considered as under appeal as well as the final decree. 35

Costs. 23. The said Court for Matrimonial Causes and Matters, on the hearing of any suit, proceeding, or petition under this Act, and the 40

Court of Appeal in Chancery, and the House of Lords, on the hearing of any appeal under this Act, may make such order as to costs as to such court, Court of Appeal, or House respectively may seem just: provided always, that there shall be no appeal on the
5 subject of costs only.

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24. All rules and regulations to be made under this Act concerning procedure and practice, and fees to be charged in any proceedings under this part of this Act, and all alterations thereof to be from time to time made, shall be laid before both Houses of
10 Parliament within one month after the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month after the commencement of the then next session of Parliament.

Rules and regulations to be laid before Parliament.

PART II.

15 *Amendment of Marriage Law.*

25. Marriage between persons both of whom are Protestant Episcopalians may be solemnized in any of the churches or chapels following :
Churches in which marriages may be celebrated.

- 20 1. In any church or chapel in which at the time of the passing of this Act marriages may be solemnized according to the rites of the United Church of England and Ireland, and which shall, pursuant to the provisions of the Irish Church Act, become vested in the representative body in said Act mentioned; or,
- 25 2. In any church or chapel which, after the passing of this Act, shall be licensed for the celebration of marriages in manner by this Act provided.

26. The provisions following shall apply to all marriages solemnized in any of the said churches or chapels :
Provisions relating to the solemnization of marriages.

- 30 1. The ceremony of marriage shall be preceded by—
 - (1.) Publication of banns in any church or chapel in which a marriage may be solemnized under the provisions of this Act, which publication shall be made in the manner and according to the rules at the time of the passing of this Act in force in Ireland in relation to the publication of banns in parish churches and chapels of the United Church of England and Ireland; or by
 - 35 (2.) Licence or special licence granted in manner by this Act provided; or by

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(3.) Certificate from the registrar to be granted by him in like manner and subject to the like conditions as such certificate may, at the time of the passing of this Act, be granted.

2. The several provisions contained in the Act passed in the 5 seventh and eighth years of the reign of Her present Majesty, chapter eighty-one, and in the Act passed in the twenty-sixth year of the said reign, chapter twenty-seven, and which at the time of the passing of this Act are applicable to persons in Holy Orders of the United Church of England and Ireland, 10 and relate to the celebration of marriages by them, shall (except so far as the same are expressly altered or varied by this Act) apply to and be in force with respect to the celebration of marriages by any clergyman having authority to officiate, or who shall be permitted by such clergyman to 15 officiate, in any aforesaid church or chapel in which marriage may be solemnized under the provisions of this Act; save only that such marriages may be celebrated at any time between the hours of eight o'clock in the forenoon and two o'clock in the afternoon. 20

License of churches.

27. Every Bishop of the said Church may, from time to time, by writing under his hand, subject to the approval of the Lord Lieutenant or other general governor or governors of Ireland, license any church or chapel for the celebration of marriages in any district within his episcopal superintendence to be named in 25 such licence, between persons one or both of whom shall reside within the limits of such district; and every such bishop shall, as soon as may be after the granting of each such licence, certify the granting thereof to the Registrar General of Marriages in Ireland, and shall send a copy of such licence to the said Registrar General, 30 who shall keep the same with the other records of his office: Provided always, that a person who shall have dwelt for fourteen days prior to the ceremony within the limits of the district shall be deemed to reside therein.

Licences for marriages.

28. Every Bishop of the said Church may, by writing under his 35 hand, nominate persons to issue licences for marriages, and, by the same or other writings, define in and for what districts within the episcopal superintendence of such bishop, such persons are respectively to issue the same, and every such licence shall be held to authorize marriage in any churches and chapels situate within 40 such districts respectively, in which marriages may be solemnized under the provisions of this Act, and which shall be specified in such licences, whenever both of the parties shall be Protestant

Episcopalians, and resident within such districts; and such licences shall be in the form No. I. in the schedule A. to this Act annexed or to the like effect; and for every such licence such person shall be entitled to have, for his own benefit, of the party requiring the
5 same, such fee not exceeding the sum of five shillings as may from time to time be appointed in that behalf by any general synod or convention of the bishops, clergy, and laity of the said Church; and in any case in which such person shall refuse to grant such licence, the person applying for the same shall be entitled to appeal
10 to the bishop by whom such person shall have been so appointed, or his successor, who shall thereupon either confirm the refusal or direct the grant of the licence; and every person so appointed shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every
15 licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no such person shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office.

20 A licence for marriage shall not be granted by any such person until seven days after notice shall have been given by one of the parties who shall have dwelt for not less than seven days then next preceding in the district named in that notice, under his or her hand, in the form No. II. in the schedule (A.) to this Act
25 annexed, or to the like effect, to such person, and such person shall forthwith send a copy of such notice to the clergymen officiating at the places of worship where the parties intending marriage have been in the habit of attending.

Every person so appointed shall file and keep with the records of
30 his office every such notice, and shall also forthwith enter a true copy of such notice fairly in a book to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same, and for entering
35 every such notice the person so appointed shall be entitled to have such fee not exceeding one shilling as may be from time to time appointed in that behalf by any such general synod or convention as aforesaid over and above the accustomed fee for granting the licence.

40 Whenever a marriage shall not be had within three calendar months after the notice shall have been so given to the person so appointed as aforesaid, the notice, and any licence which may have been granted thereupon, shall be utterly void.

10 *Matrimonial Causes and Marriage Law (Ireland)*. [33 & 34 VICT.]

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Before any licence for marriage shall be granted by any such person one of the parties intending marriage shall appear personally before him and shall make and subscribe an oath or make affirmation, which oath or affirmation such person is hereby authorized to administer, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fourteen days immediately before the day of the grant of such licence had his or her usual place of abode within the district attached in manner herein provided, for the purpose of celebration of marriages, to the church or chapel in which such marriage is to be solemnized, and that they are both of the full age of twenty-one years, or, when either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such person is a widower or widow, as the case may be.

Power to
bishop to
grant special
licences.

29. When both the parties about to contract marriage are Protestant Episcopalians, any Bishop of the said Church may grant special licences to marry at any convenient time in any place within his episcopal superintendence.

Legalization
of marriages
of persons of
different
religious
persuasions.

30. A marriage may, notwithstanding anything to the contrary herein-before in this Act contained, be lawfully solemnized by a Protestant Episcopalian clergyman between a person who is a Protestant Episcopalian and a person who is not a Protestant Episcopalian, and by a Roman Catholic clergyman between a person who is a Roman Catholic and a person who is not a Roman Catholic, provided the following conditions are complied with :

1st. That such notice is given to the registrar and such certificate is issued as at the time of the passing of this Act is required by the Act passed in the seventh and eighth years of the reign of Her present Majesty, chapter eighty-one, as amended by the Act passed in the twenty-sixth year of the said reign, chapter twenty-seven, in every case of marriage intended to be solemnized in Ireland according to the rites of the United Church of England and Ireland, with the exception of marriages by licence or special licence, or after publication of banns :

2d. That the certificate of the registrar is delivered to the clergyman solemnizing such marriage at the time of the solemnization of the marriage :

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3d. That such marriage is solemnized in a building set apart for the celebration of divine service according to the rites and ceremonies of the religion of the clergyman solemnizing such marriage, and situate in the district of the registrar by whom the certificate is issued :

5

4th. With open doors :

5th. That such marriage is solemnized between the hours of eight in the forenoon and two in the afternoon, in the presence of two or more credible witnesses.

10 31. There shall be repealed so much of an Act of the Parliament of Ireland passed in the nineteenth year of the reign of King George the Second, chapter thirteen, as provides that a marriage between a Papist and any person who hath been or hath professed himself or herself to be a Protestant at any time within twelve months before
15 such celebration of marriage, if celebrated by a Popish priest, is to be void ; but any marriage solemnized by a Protestant Episcopalian clergyman between a person who is a Protestant Episcopalian and a person who is not a Protestant Episcopalian, or by a Roman Catholic clergyman between a person who is a Roman Catholic and
20 a person who is not a Roman Catholic, shall be void to all intents in cases where the parties to such marriage knowingly and wilfully intermarried without due notice to the registrar, or without certificate of notice duly issued, or without the presence of two or more credible witnesses, or in a building not set apart for the
25 celebration of divine service according to the rites and ceremonies of the religion of the clergyman solemnizing such marriage.

Avoidance of marriage in wilful violation of the Act.

32. No Protestant Episcopalian clergyman and no Roman Catholic clergyman shall be subject to any punishment, pain, or penalty whatever for solemnizing a marriage in pursuance of and
30 in accordance with the provisions of this Act.

Exemption of priest from penalty.

33. Except where the provisions of the Acts passed in the seventh and eighth years of the reign of Her Majesty, chapter eighty-one, and in the twenty-sixth year of the same reign, chapter twenty-seven, are expressly altered by or are at variance with this
35 Act, nothing herein contained shall alter, repeal, or affect the provisions of the said Acts respectively ; and this Act shall, except as aforesaid, be considered as incorporated with the said Acts, and be construed together with the same.

This Act and 7 & 8 Vict. c. 81. and 26 Vict. c. 27. to be construed together.

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SCHEDULE A.

No. I.

FORM OF LICENCE.

A.B., appointed to issue licences for marriages in the district
of _____ under the provisions of the Matrimonial 5
Causes and Marriage Law (Ireland) Amendment Act, 1870,
to *C.D.* of _____ and *E.F.* of _____
sendeth greeting.

WHEREAS ye are minded, as it is said, to enter into a contract of
marriage under the provisions of The Matrimonial Causes and 10
Marriage Law (Ireland) Amendment Act, 1870, and are desirous
that the same may be speedily and publicly solemnized: And whereas
you *C.D.* [*or E.F.*] have made and subscribed a declaration under
your hand that you believe there is no impediment of kindred or
alliance or other lawful hindrance to the said marriage, and that you 15
C.D. [*or E.F.*] have [*or has*] had your [*or his or her*] usual place of
abode for the space of fourteen days last past within the district of
(_____), and [*in cases where either party is under age,*
and not a widower or widow] that you *C.D.* [*or E.F.*] are [*or is*]
under the age of twenty-one years, and that the consent of *G.H.*, 20
whose consent to your [*or his or her*] marriage is required by law,
has been obtained thereto [*or that there is no person having autho-*
rity to give such consent], *or where a party so under age is a*
widower or widow, that you *C.D.* [*or E.F.*] are [*or is*] under
twenty-one years of age, but are [*or is*] a widower or widow, *as* 25
the case may be: I do hereby grant unto you full licence, accord-
ing to the authority in that behalf given to me by the said Act, to
proceed to solemnize such marriage, provided that the said marriage
be publicly solemnized in the presence of two witnesses, within
three calendar months from the [*here insert the date of the receipt* 30
of the notice by the person issuing the licence] in the [*here describe*
the building in which the marriage is to be solemnized], between
the hours of eight in the forenoon and two in the afternoon. Given
under my hand, this _____ day of _____ one thousand
eight hundred and _____ .

(Signed) *A.B.*

No. II.

NOTICE OF MARRIAGE.

To *A.B. [or C.D.]* appointed to issue licences for marriages in the district of _____ under the provisions of the
5 *Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870.*

I HEREBY give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described; (that is to say,)

10								
15	Name.	Con- dition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party resides, when the Parties dwell in different Districts.
20	Lucius Smith -	Widower	Carpenter	Of full age.	High Street, Roscrea.	23 days		
							Sion Chapel,	Maryborough,
							Roscrea,	Queen's
25	Margaret Shaw	Spinster	- -	Minor	Grove Farm, near Mary- borough.	More than a month.	Tipperary.	County.

Witness my hand, this [*sixth*] day of [*May 1871*].

(Signed) *Lucius Smith.*

[The particulars in this schedule to be entered according to the
30 fact.]

Matrimonial Causes and Marriage Law (Ireland).

A

B I L L

To provide for the administration of the
law relating to Matrimonial Causes
and Matters, and to amend the law
relating to Marriages in Ireland.

(*Prepared and brought in by*
Mr. Chichester Fortescue and Mr. Solicitor-General
for Ireland.)

Ordered, by The House of Commons, to be Printed,
18 July 1870.

[Bill 223.]
Under 2° 02.

Medical Act, 1858, Amendment Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

Preliminary.

1. Short title and construction.
2. Definitions.

Qualification for Registry.

3. No person not a licentiate to be registered.

Medical Examining Board.

4. Establishment of a medical examining board.
5. Proposal of scheme for establishing board by medical authorities.
6. Proposal of scheme by Medical Council.
7. Confirmation of scheme by Privy Council.
8. Amendment of schemes.
9. Contents of scheme.

Examinations and Licences.

10. Examination rules.
11. Confirmation of examination rules.
12. Examinations by medical examining boards.
13. Licensing of persons passed by examining board.

Registration.

14. Sending of lists of licentiates to registrar.
15. Registration fee.
16. Form of register. Entry of higher titles in register. Erasure of degrees, &c. of which persons are deprived.
17. Erasure by General Medical Council, and correction of register.
18. Erasing name of practitioner from register.

Qualifications granted by Medical Authorities.

19. Title of licentiate not to be granted.
20. Power to King and Queen's College of Physicians in Ireland and the Royal College of Surgeons in Ireland to confer membership on qualified persons.
21. Conferring of minor medical titles by medical authorities.

[Bill 216.]

a

Clause.

Foreign and Colonial Practitioners.

22. Registration of foreign and colonial practitioners.

Unregistered Persons.

23. Penalty for unauthorized assumption of titles, &c. by unregistered persons practising medicine or surgery for gain.

Miscellaneous.

24. Persons to be qualified in both medicine and surgery.
25. Partial qualifications before Act.
26. Bachelor of Surgery.
27. Validity of scheme, &c.
28. Notices may be served by post.
29. Payment of fees.
30. Majority of medical authorities to act.
31. Repeal of Acts.

SCHEDULES.

A

B I L L

INTITLED)

An Act to amend the Law relating to the Qualification of Practitioners in Medicine and Surgery, and otherwise to amend the Medical Act (1858). A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act shall be construed as one with the Medical Act (1858), (in this Act referred to as the principal Act,) and with the Acts amending the same, mentioned in the first schedule to this Act, and those Acts and this Act may be cited together as "The Medical Acts, 1858 to 1870;" each of those Acts may be cited by the short title in the said schedule mentioned, and this Act may be cited as "The Medical Act, 1870."

Short title
and con-
struction.

2. In this Act—

Definitions.

15 The term "British Possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom :

The term "General Medical Council" means the General Council of Medical Education and Registration of the United Kingdom :

20 The term "medical authorities" means, as regards each part of the United Kingdom, the authorities in that behalf mentioned in the second schedule to this Act :

The term "fundamental medical sciences" means chemistry, botany, natural history, general pharmacy, anatomy, and physiology.

25 *Qualification for Registry.*

3. After the date fixed for the commencement of examinations by the first medical examining board appointed under this Act no person who is not at that date qualified to be registered under the

No person
not a licen-
tiate to be
registered.

[Bill 216.]

A

A.D. 1870. — principal Act shall be registered under that Act, unless he has after examination by a medical examining board appointed under this Act obtained a licence to practise in medicine and surgery under this Act.

Medical Examining Board.

5

Establishment of a medical examining board.

4. For the purpose of conducting the said examinations and granting the said licences there shall be established in each part of the United Kingdom, that is to say, England, Scotland, and Ireland respectively, a medical examining board, by means of a scheme confirmed by the Privy Council in manner provided by this Act.

10

Proposal of scheme for establishing board by medical authorities.

5. The medical authorities of each part of the United Kingdom may, before the first day of December next, submit to the General Medical Council a scheme for the establishment of the medical examining board of that part, and the General Medical Council, before the first day of March next, may approve such scheme, with or without any alterations made with the consent of the said medical authorities, and propose the scheme so approved by them to the Privy Council.

15

Proposal of scheme by Medical Council.

6. If in the case of any part of the United Kingdom either

(a.) No scheme submitted by the medical authorities of that part to the General Medical Council has been proposed by the General Medical Council to the Privy Council before the said first day of March next; or,

(b.) The Privy Council have refused to confirm any scheme so proposed; or,

25

(c.) There is at any time in that part no medical examining board,

the General Medical Council shall themselves forthwith frame and propose to the Privy Council a scheme for the establishment of the medical examining board for that part of the United Kingdom.

30

Confirmation of scheme by Privy Council.

7. The General Medical Council shall cause notice of any proposed scheme to be sent as soon as may be to all the medical authorities of that part of the United Kingdom to which that scheme relates, and during one month after such notices are sent, the Privy Council shall receive and consider any objections and representations made to them respecting the scheme by any medical authority to whom such notice is required by this section to be sent, or by any six or more members of the General Medical Council.

35

At any time before the confirmation of the scheme the General Medical Council may propose to the Privy Council any modifications in the scheme which they may desire to make.

40

After the expiration of the said month the Privy Council may, A.D. 1870.
if they think fit, make an order confirming the scheme with or
without the modifications so proposed to them or any of them, and
if the Privy Council refuse to confirm any scheme the General
5 Medical Council may frame and propose a new scheme.

The General Medical Council shall give to all the medical
authorities of that part of the United Kingdom to which the
scheme relates, due notice of any modifications they may propose
to make in the scheme, and an opportunity to be heard with
10 respect to such modifications.

The scheme confirmed by such order shall come into operation
on the day in that behalf in the order mentioned, or if no day is
mentioned, on the day of the date of the order, and shall have effect
as if it were enacted in this Act.

15 **8.** A scheme for amending any previous scheme in force under
this Act in any part of the United Kingdom may from time to
time be submitted by the medical authorities of that part of the United
Kingdom to the General Medical Council, and whether so submitted
or not may be proposed by the General Medical Council to the
20 Privy Council, and may be confirmed by the Privy Council, and
the provisions of this Act respecting the notice of, and objections
and representations respecting, and the confirmation coming into
operation and effect of an original scheme, shall apply in the case
of an amending scheme. Amendment
of schemes.

25 **9.** A scheme for the establishment of a medical examining
board may provide amongst other matters for all or any of the
following things; that is to say,— Contents
of scheme.

1. The number, appointment, duration of office, and qualification
of the members of the board, and generally the constitution
30 of the board :
2. The powers and duties of the board and the members thereof :
3. The quorum and proceedings of the board, and the mode of
certifying and attesting documents required to be certified
or attested by the board :
- 35 4. The relations between the General Medical Council and the
board and between the board and other boards :
5. The fees to be paid on admission to the examinations conducted
by the board, and the repayment of any part of such fees to
unsuccessful candidates :
- 40 6. The application of the income derived from such fees in paying
the expenses of the examinations (including the remuneration
of the members of the board) and the other expenses of the

A.D. 1870.
—

board, and of carrying the scheme into effect; and the application, on the conditions contained in the scheme, of all or any part of the surplus for the support of museums, libraries, or lectureships, under the control of any of the medical authorities, or in contributions to the public purposes of any of the medical authorities; and the application of the residue (if any) to any public purposes connected with the medical profession, or for the promotion of education in medicine and surgery, and the conditions, if any, to be complied with by any such medical authority, or by any authority under whose control such residue is applied:

7. The date at which the board are to commence their examinations under this Act:
8. The duration of the scheme.

Examinations and Licences.

15

Examina-
tion rules.

10. The General Medical Council shall from time to time propose to the Privy Council rules (in this Act referred to as examination rules), for regulating the examinations under this Act, and in particular for all or any of the following purposes; that is to say,—

1. Determining the course of professional study to be passed through by candidates previous to the said examinations, and the general knowledge to be required of such candidates before entering upon such course: 20
2. Determining generally the conditions of admission of candidates to the said examinations: 25
3. Providing for the acceptance of examinations in general knowledge or the fundamental medical sciences not conducted by the medical examining board, in lieu either wholly or partly of like examinations conducted by that board:
4. Providing for the admission to such examinations on special terms (which may include the acceptance of examinations not conducted by the medical examining board, in lieu either wholly or partly of examinations conducted by that board) of persons who hold medical diplomas, degrees, or titles granted by any university, college, or body in any British possession, or any foreign country, or who have studied in any British possession or foreign country: 30
5. Determining the subjects of and method of conducting the examinations both theoretical and practical:
6. Providing for the superintendence by the General Medical Council of the examinations either by themselves or by persons appointed by them: 40

7. Securing the equally strict application of the rules, so that a licence under this Act may be granted on the like terms throughout the whole of the United Kingdom :

8. Altering any rules for the time being in force.

5 The General Medical Council shall propose the first examination rules at some date not later than one month after the confirmation of the original schemes for establishing medical examining boards in each part of the United Kingdom, or at such later date as may be allowed by the Privy Council.

10 11. The General Medical Council shall cause notice of any proposed examination rules to be sent as soon as may be to all the medical examining boards and to all the medical authorities of each part of the United Kingdom.

Confirmation
of examina-
tion rules.

During the following period ; namely,—

15 (a.) In the case of the first rules which are made, three months ; and,

(b.) In the case of any rules after the first, one month, or such further time not exceeding three months as may be allowed by the Privy Council,

20 after the rules are so sent, the Privy Council shall receive and consider any objections and representations made to them respecting such rules by any medical examining board or any of the medical authorities, or any six or more members of the General Medical Council.

At any time before the confirmation of such rules the General
25 Medical Council may propose to the Privy Council any modifications of such rules which they may desire to make.

After the expiration of the said period the Privy Council may, if they think fit, by order confirm such rules with or without the modifications so proposed to them or any of them, and if the Privy
30 Council refuse to confirm any such rules the General Medical Council may propose to the Privy Council new rules.

12. Each medical examining board shall in the part of the United Kingdom for which they act hold examinations according to the scheme and examination rules made under the provisions of
35 this Act.

Examina-
tions by
medical
examining
boards.

If it appear to the General Medical Council that any medical examining board fail to comply with the scheme or examination rules for the time being in force under this Act, the General Medical Council may represent the same to the Privy Council,
40 and the Privy Council may, if they think fit, make an order dissolving such medical examining board.

A.D. 1870.

If it appear to the General Medical Council that any attempt has been made by any medical examining board to require any candidate to adopt or abstain from adopting the practice of any particular theory of medicine or surgery, either by making such adoption or abstention a condition of admission to or passing any examination or otherwise, the General Medical Council may represent the same to the Privy Council, and the Privy Council may, if satisfied that such attempt has been made, by order direct such medical examining board to desist from such attempt, and if the board fail to comply with such order may by order dissolve the board.

Where an order is made under this section for dissolving a medical examining board, such board shall be dissolved as from the date mentioned in the order, or, if no date is mentioned, from the date of the order, and a scheme for a new board in its place shall be made under the provisions of this Act.

Licensing
of persons
passed by
examining
board.

13. Each medical examining board shall, as soon as may be after the close of each examination held by them for the grant of licenses, send to the registrar of the General Medical Council a list, certified by the board, of the names and addresses of the persons who, having passed that examination in medicine and surgery, are qualified for a license to practise in medicine and surgery, and the registrar shall forthwith issue a license from the General Medical Council to every such person to practise in medicine and surgery, and the person so licensed shall be called a licentiate in medicine and surgery, and shall be entitled to be registered under the principal Act, and the registrar shall not issue such license to any person other than such as aforesaid.

Registration.

Sending of
lists of
licentiates
to registrar.

14. Each medical examining board shall, at the time that they send to the registrar of the General Medical Council a list of the persons who are qualified for a license to practise in medicine and surgery, send also a duplicate of such list to the registrar of the branch Medical Council of the part of the United Kingdom for which such board act. As soon as the said persons are licensed the registrar of the General Medical Council shall enter in the general register under the principal Act the names and addresses of every licentiate as contained in the list sent to him, with the date of the license; and in the case of a list sent by the medical examining board for England, shall enter the same in the local register for England; and in the case of a list sent by the medical

examining board for Scotland or Ireland, shall send to the registrar of the branch Medical Council for Scotland or Ireland, as the case may be, a notice of the dates on which the persons named in such list have been licensed; and the last-mentioned registrar shall
 5 forthwith enter on the local register under the principal Act the name and address of every licentiate as contained in such list.

A.D. 1870.

The entry in the local register shall bear the date of the entry in the general register, and the general register shall show the part of the United Kingdom in which the licentiate passed his examination for a license.
 10

15. Every person who is registered under the principal Act shall pay such fee, not exceeding five pounds, as the General Medical Council may from time to time fix. No person shall be admitted to the examination of any medical examining board under this Act, after the passing of which examination he will be entitled to a licence, unless he has deposited with the treasurer of the branch Medical Council of that part of the United Kingdom for which such board act the amount for the time being of the fee for registration. Such fee shall be repaid to an unsuccessful candidate, and in other cases shall be applied as a registration fee is applied under the principal Act.

Registration fee.

16. The local register, and the general register, and the medical register so far as they relate to licentiates under this Act, shall be in the form mentioned in the third schedule to this Act, and if
 25 necessary the names of licentiates under this Act may in those registers be arranged in a separate alphabetical series from the names of other registered persons.

Form of register.

The General Medical Council may, if they think fit, add to the form of register prescribed in the third schedule to this Act a column for "higher titles."
 30

Entry of higher titles in register.

If the General Medical Council add such column, they may draw up from time to time a list of diplomas, degrees, or titles, whether in medicine, surgery, science, or arts, granted by any of the medical authorities, which diplomas, degrees, or titles appear to the General Medical Council to be granted in respect of a higher degree of knowledge in medicine, surgery, science, or arts than is required for obtaining a license under this Act, and may from time to time add to or diminish such list. Any person registered as a licentiate in pursuance of this Act, who at any time holds any diploma, degree, or title contained in such list, shall be entitled, subject to such rules, and upon payment of such fee not exceeding five shillings, as the General Medical Council may from time to time make and fix, to have such diploma, degree, or title registered in the said
 40

A.D.1870. column of higher titles; but no person who has obtained a diploma, degree, or title before the same is added to such list, or the earlier date (if any) fixed by the General Medical Council, shall be entitled to have the same registered under this section; and the removal of any diploma, degree, or title from such list shall not deprive any 5 person entitled before such removal to have the same registered of his right to have the same registered.

Erasure of degrees, &c. of which persons are deprived.

If any of the medical authorities deprive any person, registered as a licentiate in pursuance of this Act, of any diploma, degree, or title granted to him by such authority, such medical 10 authority shall signify to the General Medical Council the name of the licentiate so deprived; and the General Medical Council shall direct the registrar forthwith to erase the name of the medical authority, and the diploma, degree, or title of which such licentiate has been deprived, from the part of the columns in the register 15 opposite to the name of such licentiate.

Erasure by General Medical Council, and correction of register.

17. With respect to registration, the following provisions shall have effect:—

- (1.) Where, under the authority of the Medical Acts, 1858 to 1870, the General Medical Council or any branch medical 20 council direct the erasure of the name of any person from any register, the name of that person shall not be again registered in any register except by direction of the Council which directed the erasure, or by order of a court of competent jurisdiction: 25
- (2.) If the General Medical Council think fit in any case they may direct any registrar to restore to his register any name erased by him therefrom, and the registrar shall restore the same accordingly:
- (3.) The name of any person which has been erased from the 30 register at the request of such person or with his consent shall, unless it might, if not so erased, have been erased by order of the General Medical Council, be restored to the register on his application, on payment of such fee not exceeding the amount for the time being of the fee 35 for registration as the General Medical Council may from time to time fix:
- (4.) Each registrar shall keep his register correct in accordance with the provisions of the Medical Acts, 1858 to 1870, and the general regulations and special directions of the General 40 Medical Council (whether made or given before or after the passing of this Act):
- (5.) Each registrar shall erase from his register the name of any person deceased:

(6.) Each registrar shall from time to time insert in his register any alteration which may come to his knowledge in the address or legal description of any person registered: A.D. 1870.

(7.) In the execution of the aforesaid duties each registrar shall act on such evidence as in each case appears to him sufficient, subject to any regulations of the General Medical Council:

(8.) Each registrar may erase from his register the name of any person who has ceased to practise, but not (save as hereinafter provided) without the consent of such person; and each registrar may send by post to any person registered in his register a registered letter addressed to that person according to his registered address, inquiring whether or not he has ceased to practise. And if the registrar does not, within three months after sending such a letter, receive any answer thereto from the person to whom it is sent, he may, within fourteen days after the expiration of the said period of three months, send by post to that person another registered letter, addressed to him according to his registered address, referring to the first letter, and stating that no answer thereto has been received by the registrar; and if the registrar does not within three months after sending such second letter receive any answer thereto from the person to whom it is sent, that person shall, for the purpose of the present section, be deemed to have ceased to practise, and his name may be erased accordingly.

18. Where any medical practitioner registered under the principal Act has, either before or after the passing of this Act, been either before or after he is so registered convicted in any part of Her Majesty's dominions or in any foreign country of any offence which, if committed in England, would be a felony or misdemeanor, or, if committed in Scotland, would be a crime and offence, or been guilty of any infamous or disgraceful conduct in any professional respect, such medical practitioner shall be liable to have his name erased from the register under the principal Act.

Erasing
name of
practitioner
from regis-
ter.

The General Medical Council may, and upon application of any of the medical authorities shall, cause inquiry to be made into the case of any person who is alleged to be liable to have his name erased under the provisions of this section, and, on proof of such conviction or infamous or disgraceful conduct, shall cause the name of such person to be erased from the register.

The name of no person shall be erased under this section on the ground of his adopting any theory of medicine or surgery.

A.D. 1870.

Qualifications granted by Medical Authorities.

Title of
licentiate
not to be
granted.

19. After the date fixed for the commencement of examinations by the first medical examining board appointed under this Act, none of the medical authorities shall grant to any person any of the titles of licentiate mentioned in Schedule (A.) to the principal Act, or in any of the Acts mentioned in the first Schedule to this Act, or any title of licentiate on the ground of the grantee's qualifications in medicine or surgery, or any branch of medicine or surgery.

Power to King
and Queen's
College of
Physicians in
Ireland and
the Royal
College of
Surgeons in
Ireland to
confer mem-
bership on
qualified
persons.

20. After the passing of this Act it shall be lawful for the King and Queen's College of Physicians in Ireland and the Royal College of Surgeons in Ireland respectively to confer the title of membership of such colleges respectively on any person having higher qualification in medicine or surgery than is signified by the title of licentiate, or other title in lieu of licentiate, granted by such colleges respectively.

Conferring
of minor
medical titles
by medical
authorities.

21. Any of the medical authorities may, if they think fit, confer on a licentiate under this Act, without requiring him to pay any fee or pass any further examination in medicine or surgery, the membership of such authority or (in lieu of any licence or title of licentiate granted by such authority before the passing of this Act) the title of associate or other title determined with the approval of the Privy Council by such authority, and may give to the person on whom such title is conferred the like rights and privileges, so far as relates to members of that body among themselves, as he would have had if such licence had been conferred on him.

Foreign and Colonial Practitioners.

Registration
of foreign
and colonial
practitioners.

22. Where any person proves to the General Medical Council that he holds a medical diploma granted in any British possession or in any foreign country, and that such diploma represents the like degree of knowledge, as tested by examination, to that which is required for obtaining a license under this Act, and entitles the holder thereof to practise medicine and surgery in the British possession or foreign country where the same was granted, and that he is more than forty years of age and has practised medicine and surgery for not less than ten years out of the United Kingdom, or, in the case of persons practising in the United Kingdom at the time of the passing of this Act, for not less than ten years in the United Kingdom or elsewhere, it shall be lawful for the General Medical Council to direct such person

to be registered under the principal Act without examination, but upon reasonable proof of character and upon payment of such fee not exceeding the ordinary fee for registration as the General Medical Council may from time to time prescribe. A.D. 1870.

- 5 The term "medical diploma," for the purposes of this section, includes every degree or title or license or authority to practise granted by any university, college, or body, or granted by any department or persons acting under the authority of the Government of the British possession or foreign country.
- 10 Where the General Medical Council are satisfied of the eminent professional acquirements and character of any person who for more than ten years has been practising medicine or surgery in any British possession or foreign state they may by a special order direct such person to be registered under the principal Act, and such person
- 15 may be registered accordingly.

Unregistered Persons.

23. If any person who for gain either practises medicine or surgery, or any branch of medicine or surgery, or is engaged in the cure or treatment of diseases or injuries, and is not registered under the principal Act, takes or uses any of the designations enumerated in Schedule (A.) to the principal Act as amended by this Act, or by any of the Acts in the first schedule mentioned, or the designation of licentiate in medicine and surgery or licentiate in medicine or in surgery or in any branch of medicine or surgery, professor of medicine, professor of surgery, physician, surgeon, doctor, or any designation used to distinguish duly qualified practitioners of medicine or surgery, or any branch of medicine or surgery, he shall for every such offence be liable, on summary conviction, to a penalty not exceeding twenty pounds.
- 30 Provided that a person shall not be liable to such penalty if he shows that he is not a British subject and not ordinarily resident in the United Kingdom, and holds a medical diploma, degree, or title from some university, college, or body in any British possession or foreign country entitled to grant the same.
- 35 If any person who for gain either practises medicine or surgery, or is engaged in the cure or treatment of diseases or injuries, wilfully takes or uses any of the above-mentioned designations to which he is not entitled, he shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds.
- 40 If any person not registered under the principal Act gives any certificate which under the principal Act is not valid unless signed

Penalty for unauthorized assumption of titles, &c. by unregistered persons practising medicine or surgery for gain.

A.D. 1870. by a person registered under the principal Act, he shall be liable on summary conviction to a penalty not exceeding twenty pounds.

The General Medical Council and also any branch medical council may take proceedings against any person for the contravention of this section, and no prosecution for the contravention of this 5 section shall be instituted by any private person, except with the consent of the General Medical Council or some branch medical council.

Nothing in this section shall prevent any person who lawfully holds a certificate of fitness to practise as a dentist granted by 10 the Royal College of Surgeons of England from taking or using the title of certified dentist, or if he has obtained a certificate before the passing of this Act the title of licentiate in dentistry, or impose any penalty on such person for taking or using such title. 15

Nothing in this section shall impose any penalty on any person engaged solely in the cure or treatment of the diseases or injuries of animals, and not of human beings.

Miscellaneous.

Persons
to be quali-
fied in both
medicine and
surgery.

24. No person who is not qualified at the time of the passing of 20 this Act to be registered under the principal Act shall be entitled to be so registered unless he has qualifications to practise both medicine and surgery.

Partial
qualifica-
tions before
Act.

25. Where a person has obtained before the passing of this Act a qualification to practise in medicine or in surgery, or in some 25 branch of medicine or in some branch of surgery, and not in all the branches of medicine and surgery, such person may be admitted to the examinations under this Act on such special terms as may be provided in that behalf by any examination rules under this Act.

Bachelor of
Surgery.

26. The degree of bachelor of surgery, conferred either before or 30 after the passing of this Act by any university legally entitled to confer the same, shall be deemed to be one of the qualifications described in Schedule (A.) of the Medical Act.

Validity of
scheme, &c.

27. After the expiration of three months from the date of an order confirming a scheme or examination rules under this Act, 35 such order, and the scheme and rules therein referred to, shall be deemed to have been duly made and authorised by this Act, and the validity thereof shall not be questioned in any legal proceedings whatever.

Notices may
be served by
post.

28. All notices and documents required by this Act to be sent 40 may be sent by post, and shall be deemed to have been received at

the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid, and properly addressed, and put into the post. A.D. 1870.

5 Notices and documents may be in writing or in print, or partly in writing and partly in print, and may be sent addressed to the General Medical Council or medical examining board, or the medical authority, or to some officer of such council, board, or authority, at the principal office or building belonging to such council, board, or
10 authority.

29. The fees payable in pursuance of any scheme relating to the constitution of a medical examining board of any part of the United Kingdom shall be paid to the treasurer of the branch medical council of that part, and shall be applied by him under the
15 direction of such branch medical council in accordance with the directions of such scheme. Payment of fees.

30. Any power given by this Act to, and anything authorized or required by this Act to be done by the medical authorities of any one part of the United Kingdom may in the case of England
20 and Scotland be exercised and done by not less than five, and in the case of Ireland by not less than four of such medical authorities. Majority of medical authorities to act.

31. The Acts mentioned in the fourth schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned; and as from the date, if any, mentioned in that column,
25 or, if no date is mentioned, as from the passing of this Act; provided that this repeal shall not affect anything done or suffered, or any right acquired or accrued, or any offence committed, before such repeal takes effect, or any remedy or proceeding in respect thereof, or any power of the General Medical Council to make any order
30 in relation thereto. Repeal of Acts.

A.D. 1870.

FIRST SCHEDULE.

THE MEDICAL ACTS.

Year and Chapter of Act.	Title.	Short Title.	
21 & 22 Vict. c. 90. -	An Act to regulate the Qualifications of Practitioners in Medicine and Surgery.	The Medical Act, 1858.	5
22 Vict. c. 21. - -	An Act to amend the Medical Act (1858).	The Medical Act, 1859.	
23 & 24 Vict. c. 7. -	An Act to amend the Medical Acts.	The Medical Acts Amendment Act, 1860.	10
23 & 24 Vict. c. 66. -	An Act to amend the Medical Act (1858).	The Colleges of Physicians Act, 1860.	
25 & 26 Vict. c. 91. -	An Act to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other purposes.	The Medical Act, 1862.	15
31 & 32 Vict. c. 29. -	An Act to amend the Law relating to Medical Practitioners in the Colonies.	The Medical Act Amendment Act, 1868.	20

SECOND SCHEDULE.

MEDICAL AUTHORITIES.

Medical Authorities in England.

The University of Oxford ;	
The University of Cambridge ;	25
The University of Durham ;	
The University of London ;	
The Royal College of Physicians of London ;	
The Royal College of Surgeons of England ;	
The Apothecaries Society of London.	30

Medical Authorities in Scotland.

A.D. 1870.

- The University of Edinburgh ;
- The University of Aberdeen ;
- The University of Glasgow ;
- 5 The University of Saint Andrew's ;
- The Royal College of Physicians of Edinburgh ;
- The Royal College of Surgeons of Edinburgh ;
- The Faculty of Physicians and Surgeons of Glasgow.

Medical Authorities in Ireland.

- 10 The University of Dublin ;
- The Queen's University in Ireland.
- The King and Queen's College of Physicians in Ireland ;
- The Royal College of Surgeons in Ireland ;
- The Apothecaries Hall of Ireland.

THIRD SCHEDULE.

Form of Register.

LICENTIATES IN MEDICINE AND SURGERY.					Medical Authorities (if any) with which connected.
Date of Registration.	Part of United Kingdom in which examined.	Name.	Residence.		

A.D. 1870.

FOURTH SCHEDULE.

Date and Chapter of Act.	Title.	Extent of Repeal.
3 Hen. 8. c. 11.	- An Act for the appointing of Physicians and Surgeons.	The whole Act.
5 Hen. 8. c. 6.	- An Act concerning Surgeons to be discharged of Quests and other things.	The whole Act. 5
14 & 15 Hen. 8. c. 5.	- The privileges and authority of Physicians in London.	So much of section two as restricts persons not admitted by the College of Physicians from practising medicine or surgery, and section three. 10
32 Hen. 8. c. 40.	- For Physicians and their privilege.	Section three. 15
32 Hen. 8. c. 42.	- For Barbers and Surgeons	Sections two and three.
34 & 35 Hen. 8. c. 8.	- A Bill that persons being no common Surgeons may minister Medicines notwithstanding the Statute.	The whole Act. 20
18 Geo. 2. c. 15.	- An Act for making the Surgeons of London and the Barbers of London two separate and distinct Corporations.	Section eight from "and that they and all such" inclusive to end of section, as from the date after which no person who is not a licentiate under this Act can be registered under the principal Act, and section nine. 25
55 Geo. 3. c. 194.	- An Act for better regulating the practice of Apothecaries throughout England and Wales.	Sections nine to twenty-four, both inclusive, as from the date after which no person who is not a licentiate under this Act can be registered under the principal Act. 30 35
17 & 18 Vict. c. 114.	- An Act to extend the rights of the Universities of Oxford and Cambridge in respect to the practice of physic to the graduates of the University of London.	The whole Act. 40
21 & 22 Vict. c. 90.	- The Medical Act	Sections fourteen, twenty-nine and forty, as from the passing of this Act, and sections fifteen, eighteen to twenty-three, both inclusive, twenty-five, twenty-eight, and thirty, as from the date after which no person who is not a licentiate under this Act can be registered under the principal Act, except so far as they relate to persons qualified before that date to be so registered. 45 50 55

Date and Chapter of Act.		Title.	Extent of Repeal.	A.D. 1870.
22 & 23 Vict. c. 21.	-	An Act to amend the Medical Act (1858).	Sections two and three.	
23 & 24 Vict. c. 7.	-	An Act to amend the Medical Acts.	Section two.	

**Medical Act, 1858,
Amendment. [H.L.]**

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B I L L

INTITLED

An Act to amend the Law relating to
the Qualification of Practitioners in
Medicine and Surgery, and otherwise
to amend the Medical Act (1858).

(*Brought from the Lords 7 July 1870.*)

*Ordered, by The House of Commons, to be Printed,
13 July 1870.*

[216.]

Under 3 az.

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B I L L

TO

Amend the Medical Act of 1858, and the Acts amending A.D. 1870.
the same.

WHEREAS an Act was passed in the twenty-first and twenty-second years of the reign of Her Majesty, chapter ninety, intituled "An Act to regulate the Qualifications of Practitioners in " Medicine and Surgery," one of the purposes of which was, "that
5 " persons requiring medical aid should be enabled to distinguish " qualified from unqualified practitioners:" And whereas an Act was passed in the twenty-second of Her Majesty's reign, intituled " An Act to amend the Medical Act, 1858:" And whereas an Act was passed in the twenty-third of Her Majesty's reign, chapter
10 seven, intituled " An Act to amend the Medical Acts:" And whereas an Act was passed in the twenty-third and twenty-fourth of Her Majesty's reign, chapter sixty-six, intituled " An Act to " amend the Medical Act, 1858:" And whereas an Act was passed in the twenty-fifth and twenty-sixth of Her Majesty's reign, intituled
15 " An Act to incorporate the General Council of Medical Education " and Registration of the United Kingdom, and for other purposes:"

And whereas " the Medical Act (1858) " has been found ineffectual to enable persons requiring medical aid to ascertain who are qualified practitioners acquainted with and skilled in the treatment
20 of diseases and of surgical lesions and injuries, and it is expedient to amend the said Act and the recited Acts in that respect, and in other particulars herein-after mentioned, and that the style, constitution, and powers of "The General Council of Medical Education and Registration," established and incorporated under
25 the recited Acts, or some of them, should be altered, modified, and enlarged, and to establish one uniform and practical test of efficiency for all medical practitioners in the United Kingdom, so that no person be entered on the register of medical practitioners who has not proved himself to be practically acquainted with and competent

[Bill 40.]

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A.D. 1870. to practise medicine, surgery, and midwifery in their several branches :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and 5 by the authority of the same, as follows :

PART I.

Short title.

1. This Act may for all purposes be cited as "The Medical Acts Amendment Act, 1870."

Incorporation of Medical Acts.

2. The recited Acts shall be incorporated with this Act, and 10 construed together with it as one Act, and they shall continue to be of as full force and authority in all respects, save in such as they are altered or modified by this Act or inconsistent with its provisions, as if this Act had not been passed.

Style of Medical Council.

3. The General Council of Medical Education and Registration 15 established and incorporated under the recited Acts, or some of them, shall, after this Act shall have been brought into operation, be styled "The General Council of Medical Education, Examination, and Registration," herein-after called "the General Council," and its constitution shall be modified and its powers enlarged as 20 herein-after provided.

Constitution of General Council.

4. The General Council shall, after this Act shall be brought into operation, consist of the following members: one member chosen by each of the bodies named in clauses four and five of the Medical Act (1858), as in said Act provided; six persons nomi- 25 nated by Her Majesty, as in said Act provided; *twelve* medical practitioners, registered under this or the recited Acts, elected by the votes of the medical practitioners registered under this or the recited Acts in the manner prescribed in Part III. of this Act, and one other person selected by the above persons, or such 30 of them as may be present at their first meeting or session after a general election, from amongst the practitioners registered under this and the recited Acts, as president, who, so long as he shall fill the office of president, shall be a member of the General Council and of each of the Branch Councils, and may exercise all or any 35 of the functions that appertain to any other member of the General Council and of any of the Branch Councils, in addition to such functions as are by the recited Acts, or any of them, conferred on the president of the General Council; and the Council so con-

stituted shall be "The General Council of Medical Education, Examination, and Registration," for the five years next ensuing after the day of their being chosen, nominated, elected, and constituted, and the General Council shall hold a general meeting 5 annually for the transaction of business, which meeting shall be held successively in London, Dublin, and Edinburgh.

A.D. 1870.

5. The General Council to be established under this Act shall be the legal successor of the General Council existing previous to the passing of this Act, and the existing General Council shall hand 10 over to the General Council appointed by this Act all property of every kind soever in the possession or under the control of said General Council. The Branch Councils shall, after this Act shall have been carried into operation, respectively consist, together with persons named in the Medical Act (1858), of the members elected 15 as representatives of the registered practitioners of England and Wales, of Ireland, and of Scotland respectively, and shall be the legal successors to the existing Branch Councils, and the existing Branch Councils and their officers shall hand over to them all property of any kind soever in the possession or under the control of 20 the said Branch Councils.

Transfer
of property
and powers
to new
General
Council.

6. Within one month after this Act shall have received the Royal assent the Branch Medical Councils for the time being shall respectively cause the then existing registrar for each Branch Council to be duly sworn in before a justice of the peace as returning officer 25 under this Act, and the registrar, after taking the oath of office prescribed by this Act, shall, within one week from taking such oath of office, issue a notice each registrar respectively in the London, Dublin, and Edinburgh Gazettes, and in at least four daily papers published in London, and four published in Dublin, and four 30 published in Edinburgh, respectively, if there be so many of large circulation published in the respective cities named, notifying to the several corporate bodies entitled to choose members, and to the registered medical practitioners entitled by this Act to vote for the election of the representatives of the registered medical practitioners, 35 that the Council to be established under this Act will hold its first meeting or session in London within *one month* after the time fixed for the commencement of this Act, and he shall state and name in such notice the precise day or days on which and the place to which voting papers for the election of representatives of the medical practitioners may be forwarded to him, and the last day and hour on 40 which they will be received by him, and the day of the month and year on which and the place at which the first meeting of the

Swearing
in of regis-
trars as re-
turning
officers, their
duties, &c.

A.D. 1870. General Council will be held, and call on the corporations or bodies named in clauses four and five of the said recited Act of 1858 to choose their members, and to return to him the names of the persons so chosen on or before a day named in the said notice, and shall call on the registered medical practitioners resident in the herein specified 5 divisions of the United Kingdom to elect their representatives respectively upon a day named in the said notice, and shall state that he is prepared to supply voting papers for such purpose, and that the persons chosen by the corporations and the persons elected by the registered practitioners with the six persons to be 10 nominated by Her Majesty and the president, to be chosen by them after they shall have been duly chosen, appointed, elected, and assembled, will be the Council of Medical Education, Examination, and Registration for the next ensuing five years; and he shall also notify that at their first meeting or session the General Council 15 will proceed to elect or appoint *twelve* persons to be examiners, each of whom shall hold office for three years, and state the terms and conditions of the appointment and the qualifications; and Her Majesty's Privy Council shall, on the publication of such notice, cause six persons to be appointed by Her Majesty on or before the 20 first day of meeting to be such six members of the General Council.

Elections
of members
to supply
vacancies.

7. In the event of a vacancy being created by the death, resignation, or otherwise of one of the members chosen by one of the corporate bodies, or elected by the registered practitioners, a notice shall be similarly issued by the registrar of the Branch Council of 25 which the person was a member, and a person shall be chosen or elected by the constituency who had chosen or elected the person in whose room the vacancy may exist, and the person so chosen or elected shall be the representative of the body or constituency so choosing or electing him for the remnant of the period for which 30 his predecessor was chosen or elected; and should a vacancy be caused by the death, resignation, or otherwise of any of the members nominated by Her Majesty, a notice shall be sent to Her Majesty's Privy Council, and Her Majesty shall nominate a person to fill such vacancy, who shall be a member of the Council for the remnant of 35 the time for which his predecessor was nominated.

Corporate
bodies
omitting to
choose a
member to
cease to be
represented
in Council.

8. Should any of the corporate bodies named in the recited Acts refuse or omit to choose a member, or fail to be represented by a member, the right of the corporate body or bodies in default to be represented in the Council shall absolutely cease and determine, pro- 40 vided always that it shall be in the power of such corporation, if it have chosen a member who wilfully absented himself, to choose

another member to attend, who thereon shall be the member for the remnant of the period for which the defaulting member was chosen. A.D. 1870.

PART II.

9. The General Council shall at their first annual meeting or
 5 “session” and at each third annual meeting afterwards appoint
twelve examiners, *six* of whom shall be medical practitioners re-
 gistered as residing in England or Wales, *three* medical practitioners
 registered as residing in Ireland, and *three* medical practitioners
 registered as residing in Scotland; and Her Majesty, with the advice
 10 of the Privy Council, shall appoint *six* examiners, *two* of whom
 shall be registered as residing in England or Wales, *two* in Ireland,
 and *two* in Scotland respectively, and the *eighteen* examiners so
 appointed shall constitute “the Board of Examiners” for the next
 ensuing *three* years; and the Council shall, as vacancies may occur
 15 among the *twelve* examiners appointed by them originally, or to
 fill vacancies, appoint others in their room, and Her Majesty shall
 in like manner fill such vacancies as may arise amongst the *six*
 examiners appointed by Her Majesty, or appointed to fill a vacancy;
 and any person appointed to fill any such vacancy shall continue to
 20 be a member of the Board of Examiners for the remnant of the
 time for which his predecessor was appointed.

10. Of the *twelve* examiners to be so elected or appointed *eight*
 at least shall respectively be the medical officer of a general medical
 or a general surgical hospital, or consulting physician or surgeon to
 25 an hospital, attendance on which is recognized by the principal
 licensing bodies, and *two* shall be teachers or lecturers on chemistry,
 and *two* shall be teachers or lecturers on materia medica and there-
 putics; and the election of such examiners and all elections for
 successors shall be by open voting, and each member of the General
 30 Council shall vote by printed voting papers, in each of which voting
 papers he shall write in a space left for the purpose the names of the
 examiners for whom he votes, and at the foot of each paper his own
 name; and these papers shall be filed as a record and reported in
 the annual reports of the General Council to Parliament, together
 35 with the names of all persons who offered themselves as candidates
 at each such election.

11. The members of the Board of Examiners shall hold office
 for *three* years from the date of election, and the registrar of the
 General Council shall, at least one month before the expiration of

A.D. 1870. the period for which the examiners were elected, notify, in the manner herein provided for the issue of other notices, that at the next annual meeting the General Council will proceed to elect the *twelve* members of the Board of Examiners which they are empowered to appoint, and Her Majesty's Privy Council shall cause 5 to be returned to the General Council the names of the *six* persons whom Her Majesty may be pleased to appoint as examiners, and the *twelve* persons elected by the General Council, together with the *six* appointed by Her Majesty, shall be the Board of Examiners for the next succeeding *three* years, and this mode of procedure 10 shall be adopted and carried out towards and at the end of each succeeding period of *three* years.

Examiners
to make
declaration.

12. The members of the Board of Examiners shall on being elected and appointed subscribe and make each one for himself the "declaration" of office set forth in Schedule B. to this Act before 15 a justice of the peace for the place in which it is subscribed, and the declaration, duly attested by the justice of the peace before whom it may have been made, shall be forwarded to the General Council, and made a record of the Council.

Periodical
examina-
tions to be
held by ex-
aminers.

13. The Board of Examiners, or a committee of them not less 20 than *nine* in number appointed for that purpose by the General Council, and which shall include at least one examiner registered as residing in England, and one registered as residing in Ireland, and one registered as residing in Scotland, and each appointed by Her Majesty the Queen; and three respectively registered one 25 as residing in England or Wales, one as residing in Ireland, and one as residing in Scotland, and appointed by the General Council, shall hold periodical examinations successively in London, Dublin, and Edinburgh, in accordance with such rules or byelaws which may be framed for that purpose by the Council in conformity with 30 the true spirit and meaning of this Act; and at such examinations they shall examine all candidates for registration who may present themselves, and who shall be certified by the registrar for the Branch Council of the district in which the examinations are about to be held to have deposited in the bank appointed for that pur- 35 pose by the Branch Council the fee appointed under the first-recited Act to be paid for being registered under the said Act, and who shall possess any of the qualifications which would entitle him to be registered as a medical practitioner under the recited Acts, or any of them, had this Act not been passed, or under any order 40 issued by the General Council or Her Majesty's Privy Council in accordance with the provisions of this Act or the recited Acts.

A.D. 1870.

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No person to be placed on register of medical practitioners unless he has been examined by examiners.

14. After this Act shall have received the Royal assent no person shall be placed on the register of medical practitioners directed to be made under this Act, or any of the recited Acts, who shall not have been examined by the "Board of Examiners," or a committee of them, appointed in accordance with the provisions of this Act, and until the Board of Examiners or the committee of them shall have certified in their report of their examinations to the Branch Council that he has been duly examined by the said board or committee, and said report shall be signed by each member of the board who took part in or was present at the examination, and shall certify that, having been duly and carefully tested, he demonstrated to their satisfaction his practical acquaintance with diseases, their signs, symptoms, diagnoses, treatment, and prognoses, his acquaintance with the remedial agents in ordinary use, their doses, and therapeutic effects; his knowledge of surgery, surgical instruments and appliances, and his practical ability to perform surgical operations, and to treat surgical cases, wounds, and injuries; his practical knowledge of midwifery and the diseases peculiar to women; and that the examiners, having been fully satisfied by actual demonstration of his practical ability to recognize and treat diseases, surgical lesions, and injuries, declare that his practical acquaintance with diseases and surgical lesions, and their treatment, and his practical skill in the application of the medical and mechanical agencies in ordinary use for the cure and treatment of medical, obstetrical, and surgical cases, as so demonstrated by him, satisfied them that his skill in the practice of medicine, surgery, and of midwifery is such as to entitle him to be registered as a practically qualified medical and surgical practitioner; and the registrar of the Branch Council shall register any and every person named in such report signed by the examiners as aforesaid, and none other, and each such report shall be filed and become a record of the Branch Council, and a certified duplicate thereof, marked duplicate, shall be made and signed by the examiners, and be by the branch registrar transmitted to the registrar of the General Council, and shall be made and be a record of the said General Council, which, on receipt of same, shall direct the registrar to the General Council to register the name of the person so examined and certified for in the general register, and formally communicate the fact of his registration to the individual, and cause his name to be published in the next succeeding publication of the Medical Register.

15. The examiners shall test the practical experience and knowledge of each candidate in accordance with rules to be framed by

Examiners to test knowledge of

[40.]

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A.D. 1870. the General Council, but such rules must include rules requiring
 candidates in accordance with rules to be framed by General Council. that the candidate shall, in the presence of the examiners, and of
 such registered medical practitioners as may claim the right of
 being present at such examinations, examine a series of medical
 and surgical cases in a dispensary selected by the examiners—a 5
 series of medical and surgical cases in an hospital ward or wards,
 similarly selected, and shall give a full and carefully written report
 describing each case, including the symptoms, signs, diagnosis,
 treatment, and prognosis, with the indications suggesting same, and
 orally or otherwise explain and defend in the hospital or dispensary, 10
 theatre, boardroom, or other room selected for that purpose, his
 mode of investigating the patient's case, and his notes on same, and
 his prescriptions, to the satisfaction of the examiners; that he shall
 perform a series of operations, minor as well as capital, on the dead
 subject; recognize and describe the physical qualities and thera- 15
 peutic effects of medicinal agents presented for his observation in a
 laboratory, dispensing room, or other suitable place; apply bandages,
 splints, and such other surgical appliances on the dummy and on
 the living subject as may be requisite to demonstrate his knowledge
 of that branch of manipulative surgery; explain and demonstrate 20
 his acquaintance with the use of the microscope and with the
 use of the ordinary surgical instruments; and the examiners may
 require such other demonstration of the practical knowledge and
 capacity of the candidate as they may deem requisite to satisfy
 themselves that he is practically acquainted with and fully com- 25
 petent to undertake and be entrusted with the treatment of medical,
 surgical, and obstetrical cases in a district in which he could not
 have the advantage of the advice, opinion, or aid of a skilled and
 experienced practitioner.

Candidates examination papers to be handed over to Branch Council. 16. All the notes of the reports on cases submitted for exami- 30
 nation, all prescriptions, and all written answers, if any, prepared
 by each candidate for the examiners, shall be handed over to the
 Branch Council, and preserved by them for such period of not less
 than *six* months, as the Council by its rules shall determine; and
 in order that such paper writings may be filed with facility, and 35
 stitched bookwise, the General Council shall provide for the Board
 of Examiners uniform paper, suitably ruled for notes, reports, and
 other writings required from the candidate.

Rejected candidates when to be re-examined. 17. Should a candidate for registration be rejected as not
 competent to practice medicine, surgery, or midwifery, the fee 40
 deposited before his examination shall be retained as the money of
 the General Council, and constitute part of the funds of that body,

and the candidate so rejected shall not be admitted to examination again for *nine* months, and not then unless he give satisfactory A.D. 1870.

proof that he has regularly attended the practice of some general medical and surgical hospital during at least *nine* months, if he was rejected on his examination on medicine or surgery, and that he attended a maternity hospital for not less than *six* months, if rejected because of his ignorance of midwifery, and produce to the registrar his notes of the cases he personally attended or had the charge of under the medical officer of the institution during that period, accompanied by a declaration that they were taken by himself from personal observation of the cases while they were under his observation, and not compiled or copied from the notes or verbal or other report of any other person.

18. Each candidate who may have been rejected shall, on each subsequent application to be examined by the Board of Examiners, deposit an additional fee of *one pound* in the local bank of the Branch Council. Fee on re-examination.

19. No person shall be admitted to the competitive or other examination held in the United Kingdom for appointments in the military, naval, or Indian medical departments of Her Majesty's service unless he be a registered practitioner under this or the recited Acts, or any Act or Acts amending same. Only registered practitioners to compete for appointments in Her Majesty's service.

20. After the Board of Examiners shall have been appointed under this Act all vacancies occurring in poor law and other civil medical offices in the United Kingdom, the occupant of which is, in whole or in part, paid by the State, or from the public rates of any locality or district in the United Kingdom, shall be open to competition by all registered practitioners, and such examiners as may be named by the General Council for conducting such competitive examinations in the district in which the vacancy may have occurred, shall publicly examine, as aforesaid, all the candidates for such appointment as to their practical ability to discharge the special duties of the vacant office, and shall by a certificate under their hands declare which of the candidates has at such examination demonstrated that he possesses the greatest practical fitness for the special duties connected with the office, and on such certificate, or a certified duplicate thereof, being duly exhibited to the parties in whom the power of appointment is vested by law, they shall appoint the person named in such certificate as the person certified to be the candidate most competent to discharge the duties of the office. Open competition for appointments to poor law and other civil medical offices.

A.D. 1870.

A committee of Board of Examiners to be appointed for conducting such competitive examinations.

21. The General Council may, at their first sitting, and from time to time, subject to the provisions in the foregoing clauses, name a committee of the Board of Examiners for conducting such competitive examinations in each of the divisions of the United Kingdom herein defined, and fix a scale of remuneration for such 5 examiners, and pay same out of the general funds of the General Council; and each branch committee shall publicly notify in manner heretofore provided all vacancies that may occur in such poor law or other medical civil offices as are herein-before named, and no appointment to any such office shall be valid unless the 10 vacancy be reported to the Branch Council, and the person appointed be appointed as the result of such competitive examination.

If the authorities refuse to appoint candidate, General Council may apply for mandamus.

22. Should the parties in whom the appointment to any office of the class named above is now or may be hereafter vested by law decline or refuse to act on such certificate, and fail to appoint the 15 person who may have been certified as the best suited for the efficient discharge of the duties, as above stated, the General Council may and shall, on application of the person named in such certificate, apply to the Court of Queen's Bench in England and in Ireland respectively, and to the Court of Sessions in Scotland for 20 a mandamus, or equivalent order, directing such person to be duly inducted into the office, and the emoluments of such office and the expenses of such proceeding shall in the first instance be paid out of the funds placed at the disposal of the General Council by this and the recited Acts, and should the governing body fail to 25 show sufficient cause for not acting on the aforesaid certificate, the court, and each of the above-named courts respectively, shall order them to pay all the costs of the proceeding, both costs in the cause and costs between attorney and client, to the General Council, and to the holder of the certificate, on which they declined 30 or refused to act, together with the amount of the salary or emoluments which would have accrued to him had they acted on the certificate, and shall order them to induct the holder of such certificate into the office to which such certificate declared him entitled; under pain of being adjudged guilty of contempt of court, 35 and of being adjudged to pay such pecuniary fine as the court may deem just, not exceeding *one hundred pounds*, in addition to all the costs of all proceedings and to the said emoluments.

Qualifications of candidates for examination.

23. The General Council shall, subject to the provisions of this Act, admit as candidates for examination and registration any person 40 possessed of the authorization to practise issued by any of the existing licensing bodies who would be eligible for registration under the

existing Acts by virtue of such certificate, degree, diploma, licence, or other authorization, or the holders of any other medical or surgical degree or licence issued by any university, college, or other body named in the schedule to the recited Acts or Acts by whatever

A.D. 1870.

- 5 name such authorization be designated; and it shall be lawful for Her Majesty's Privy Council to add to such list the name of any such authorization as they may think fit, after hearing the objections, if any, raised by the General Council, and which the Privy Council may by formal orders direct to be added to the list of
- 10 qualifications in schedule A. of The Medical Act, 1858.

24. It shall be lawful for the General Council by special order to dispense with such provisions of the Medical Acts, or with such parts of any regulations made by the authority of the said Acts as to them shall seem fit, in favour of persons applying to be admitted as can-
- 15 didates for examination and registration under this Act, in virtue of foreign or colonial diplomas, degrees, or other foreign or colonial authorization to practise in the country or colony in which same may have been issued; provided that no person shall be registered until he shall have demonstrated to the examiners appointed under this
- 20 Act, as heretofore described, that his practical knowledge of and ability to treat medical, surgical, and obstetrical cases as required by this Act justifies his being registered under this Act as a qualified medical and surgical practitioner.

Dispensation
in case of
foreign di-
plomas, &c.

- 25 25. The Board of Examiners shall make and forward to the Branch Council in the district in which each examination for registration may be held, a full report of the nature of the tests applied to ascertain the practical knowledge of each candidate, and of the result of their examinations after each periodical examination held by them or any committee of them; and in each such report they shall give
- 30 a list of the candidates that presented themselves for examination and registration, and set out in a table such particulars as the General Council shall direct, but including the name of the school or schools, hospital or hospitals in which the candidate studied, and the name of the licensing body or bodies whose degree or other licence he held,
- 35 and the designation of the degrees, licence, or other authorization, the result of the examination in each individual case, and a specific statement as to the opinion formed as to the practical knowledge possessed by each candidate, together with the names of the examiners who attended and were present at each branch of the ex-
- 40 mination, and the cause of the rejection of a candidate, if any be rejected. A duplicate of each such report shall be forwarded to the General Council, and the General Council shall each year

Examiners
to report to
Branch
Council re-
sults of ex-
amination.

A.D. 1870.

present all such reports to Parliament, together with their own general annual report. Similar reports shall be made to the Branch and General Councils, and shall be by the latter annually presented to Parliament with respect to all competitive examinations held by the examiners appointed for that purpose, in which the offices and 5 the duties of the officers, the names and qualifications of the candidates shall be set forth, the nature of the tests applied, and the grounds on which the decision may have been given in favour of the successful candidate.

Repeal of
12th section
of Medical
Act, 1858.

26. The twelfth clause of The Medical Act, 1858, is hereby 10 repealed, and after this Act shall come into operation no portion of the funds of the General Council shall be paid away or given to the members of the General Council or of the Branch Councils, or any of them, as fees for attendance, or as expenses and charges for attending the meetings of such Councils, or otherwise acting as 15 such members; it shall however be lawful for each corporation empowered to choose a member of the General Council to pay out of the funds of the corporation such sums as may be requisite, and for the medical practitioners who are empowered to elect the twelve elected representatives to make such arrangements as they may 20 deem expedient, to defray the expenses, costs, and charges of and to remunerate their respective members or representatives chosen or elected as members of the General Council.

Payment of
salaries to
six members
of General
Council
nominated
by Her
Majesty.
Remunera-
tion to mem-
bers of Exa-
mining
Board.

27. *The Privy Council shall pay such costs, charges, and ex-
penses, and such salary, fees, and stipends to the six persons to 25
be appointed by Her Majesty members of the General Council as
the Lords Commissioners of Her Majesty's Treasury shall sanction
and direct.*

28. The General Council shall fix the remuneration to be paid to the members of the Examining Board elected by the Council, and 30 shall pay such remuneration to the members of the Examining Board out of the funds arising or to arise from the fees payable under this or the recited Acts, or all of them, but the payment shall be in the nature of a fee for each day engaged in examination, including the day or days occupied in travelling to and from the 35 city where the examination may be held, if the member be not resident in such city, and shall not exceed *twenty-one pounds*, or be less than *ten pounds ten shillings* per day, together with a proper allowance for the hotel and travelling expenses of such members as do not reside in the city in which the examination may be held: 40 provided always, that no portion of the payment receivable by any member of the Board of Examiners shall be dependent on the passing

or the registry of a candidate; and *Her Majesty's Privy Council shall pay the expenses, fees, stipends, salary, or other remuneration to be given to the examiners appointed by Her Majesty as the Lords Commissioners of Her Majesty's Treasury shall determine.* A.D. 1870. —

- 5 **29.** The ordinary expenses of the General Council, and of the several Branch Councils, and the salaries of the officers, shall be defrayed out of the moneys receivable under this Act or the recited Acts. Ordinary expenses of General Council.

- 10 **30.** The Attorney General for England for the time being, and the Attorney General for Ireland for the time being, and the Proceedings against persons violating provisions of Act.
 for Scotland for the time being shall, on representation from the General Council, or from one of the Branch Councils, that any of the provisions of this Act, or of the incorporated Acts, has been violated, or that any person engaged in the
 15 cure or treatment of disease who is not registered under this or the recited Acts, takes or uses any of the designations enumerated in schedule A. to The Medical Act (1858), or added to the list given in that Act under any provisions of this Act or the recited Acts, or using the designation of physician, surgeon, doctor, apothecary,
 20 practitioner, or professor of medicine or surgery, or any other designation used by or used to designate duly qualified practitioners, or any class thereof, direct a case to be prepared, on the part of the Crown, by the ordinary Crown prosecutor for the district, in concert with the General Council, or the Branch Council, and the
 25 registrar of same by which the representation was made, and if on perusing same he be of opinion that this Act, or any of the recited Acts, has been violated, he shall order such proceedings to be taken at the expense of the Crown for the prosecution and conviction of the alleged offender as to him shall seem fit; and the persons so
 30 offending shall on conviction be liable to the imposition of a penalty not exceeding *twenty pounds*, at the discretion of the Court.

- 31.** The General Council, in addition to the other powers conferred on it by this and the recited Acts, shall have power by a general order to prescribe the preliminary education to be required
 35 for each student before he shall commence his special studies as a student of medicine, and to direct that no credit as to "time" shall be given for medical studies commenced before he shall have passed an examination as to such preliminary education; to prescribe the minimum number of years to be spent in the special studies as
 40 a medical student; the number of years of hospital attendance that are to be required from each student, and the period during which he must act as a practical dresser and clerk in an hospital; and

A.D. 1870. shall have power to direct that certificates of attendance at or of having acted as dresser or clerk in an hospital shall not be recognized, unless a system of daily tutorial instructions of students be not carried on in such hospital in addition to the ordinary clinical instruction and the usual lectures delivered in such hospital; and the Council shall order and direct that the licence, degree, diploma, or other certificate issued by any licensing body that will not conform to its orders in all these respects shall not entitle a person to present himself as a candidate for registration under this or any of the recited Acts; provided that such body may appeal against such orders to the Privy Council, but such orders shall be in force until actually annulled by the Privy Council.

Style of entry
on registry.

32. Every person registered under this Act shall be registered under the style and title conferred on him by the degree, licence, diploma, or certificate by virtue of which he claims to be admitted by the General Council or Branch Council, or any of them, as a candidate for examination and registration, and by none other.

Extent of
Act.

33. For the purposes of this Act the United Kingdom shall be considered as consisting of three divisions, videlicet, England and Wales, Ireland, and Scotland, and the islands usually considered as attached to each of these respective divisions.

Commence-
ment of Act.

34. This Act shall come into operation *one month* after it shall have received the Royal assent, and the first meeting of the Council to be constituted under it shall be held in the City of London on the *first Monday in the month of November one thousand eight hundred and seventy.*

PART III.

ELECTION OF THE REPRESENTATIVES OF THE REGISTERED PRACTITIONERS.

Mode of
electing
twelve mem-
bers by
registered
medical
practitioners.

35. The *twelve* members to be elected by the registered medical practitioners of the United Kingdom shall be elected in manner following:

(a.) *Six* shall be chosen from amongst the persons registered as medical practitioners resident in England and Wales, and each registered medical practitioner registered as resident in England and Wales, or any part of either of them, shall be entitled to give one vote for each of *six* persons qualified to be elected members of the General Council.

(b.) *Three* shall be chosen from amongst the persons registered as medical practitioners resident in Ireland, and each medical practitioner registered as resident in Ireland shall be entitled to give one vote for each of *three* persons qualified to be elected. A.D. 1870.

(c.) *Three* shall be chosen from amongst the persons registered as medical practitioners resident in Scotland, and each registered medical practitioner registered as residing in Scotland shall be entitled to vote for each of *three* persons qualified to be elected members of the General Council.

(d.) The registrars of the Branch Councils for England and Wales, for Ireland, and for Scotland shall respectively be the returning officers for their respective districts, and shall be sworn before a justice of the peace, in the presence of one or more members of the Branch Council, "to conduct the election, and do all things in relation thereto, without favour or affection, and to make true returns in accordance with the true intent and meaning of this Act."

(e.) The votes of the registered practitioner in each of the three districts shall be given by means of voting papers, printed in the form prescribed in schedule A. to this Act.

(f.) The registrar of each Branch Council shall provide a sufficient number of printed copies of such voting papers in the form and terms suitable for the use of the registered medical practitioners of his district, the cost of printing which shall be defrayed out of the funds arising from this Act and the recited Acts, and he shall supply any reasonable number of such voting papers to any registered medical practitioner who may apply for and pay for same such price as the Branch Council may fix, not exceeding one penny per voting paper; and each voter having duly filled one of such papers, and signed same in presence of a justice of the peace, or of the clerk of the union to whom he may be known, as attesting witness, shall transmit same by post to the returning officer; and the returning officer on the day succeeding that named in the notice and in the voting paper for holding the election as the last day for receiving said voting papers, shall proceed to examine all voting papers received up to twelve o'clock on the night of the day previous, and to make up the returns, and he shall reject all voting papers not duly signed and attested; all voting papers by which votes are purported to be given for more than *six* representatives in England and Wales, or more

A.D. 1870.

than *three* in Ireland and in Scotland respectively; and having correctly counted the number of votes duly given by qualified voters for each qualified candidate, he shall, make up and sign a return declaring the *six, three, and three* qualified persons for whom the greater number of 5 votes were duly given in England and Wales, in Ireland, and in Scotland respectively to be the members of the General Council, elected by the registered practitioners for the next ensuing five years, and he shall attach to the said return a tabular statement of the names of the several 10 candidates, and of the number of votes given for each; and he shall publish the said return and tabular statement in the manner herein prescribed for the publication of the notice for holding the election.

(g.) The registrar, after examining the voting papers received by 15 him, shall initial and preserve as a record for at least six months each and every voting paper rejected, and each and every voting paper admitted as correct by him, and any candidate or voter who declares in writing that he intends to dispute the validity of the return, shall have reasonable 20 access at all reasonable times, by himself or his authorized agent, to such voting papers on payment of a fee, to be fixed by the General Council, but not exceeding *two shillings* for each time of obtaining access; and should any voter or candidate demand an appeal or scrutiny by written docu- 25 ment, in which the objections to the return are set forth, and deposit with such demand a sum of not less than *ten guineas*, the registrar shall grant such scrutiny; provided the applicant gives, before the lapse of ten days from his depositing said demand, solvent security to the satisfaction 30 of the Branch Council that he will pay all the costs of such scrutiny should he fail in substantiating his objections as stated in his demand for a scrutiny.

(h.) The Branch Council shall, on such demand being made, and such security being perfected, appoint a scrutineer, who 35 shall be a registered medical practitioner, and shall order him to be paid a fee of not less than five guineas per day, who shall proceed to examine into all the objections set forth in the appeal or demand for a scrutiny, and his decision shall be final as to the election, and as to the 40 amount of costs to be borne and paid by the appellant, the registrar, or the person whose return may be disputed respectively; provided always, that if the appellant object

5 to his case being tried by a single scrutineer appointed by
the Branch Council it shall be lawful for the appellant and
the registrar to name respectively one registered medical
practitioner each, who shall, before proceeding to enter
on the scrutiny, appoint another scrutineer as umpire,
and the award of any two of the three shall be final as
regards the election, and as regards the respective portions
of the costs to be borne by the appellant, the registrar,
and the person whose return is disputed; and the scruti-
10 neer or scrutineers may declare the election valid or void,
or declare the appellant duly elected, and such declaration,
made and signed by the scrutineers, or of the majority of
the scrutineers if there be more than one, shall be final.

A.D. 1870.

SCHEDULES.

SCHEDULE A.

Voting Paper.

I *A.B.*, being registered as a medical practitioner, residing at _____, in the county of _____, in [England], [Ireland], 5 [Scotland], hereby give my vote for
 _____ of _____,
 _____ of _____, and
 _____ of _____.

[six rulings to be provided for *England and Wales* and three for 10 *Ireland and Scotland respectively*,] to be members of the Medical Council of Education, Examination, and Registration, for the five years ending _____.

Witness my hand,

_____ of _____ . 15
 Date _____ .

Signed in my presence by _____,
 with whom I am personally acquainted.

_____ Justice of the Peace for _____ .
or,
 _____ Clerk of the Union of _____ .
 Date _____ .

20

A.D. 1870.

SCHEDULE B.

I *A.B.* sincerely and solemnly declare, that I will discharge the duties of a member of the Board of Examiners to the General Council of Medical Education, Examination, and Registration with
5 strict impartiality and without favour or affection, and that I will according to the best of my skill and judgment so discharge the duties of my office as to protect the public from the injurious consequences of having any person admitted to the register of medical practitioners who shall not have proved by practical demonstration
10 of his skill and knowledge that he is fully qualified according to the true intent and meaning of the Medical Acts Amendment Act, 1870, to practise medicine, surgery, and midwifery in all their branches.

(Signed) *A.B.*

Declared before me, this _____
15 day of _____,

C.D., Justice of the Peace
for _____.

Medical Acts Amendment.

A

BILL

To amend the Medical Act of 1858, and
the Acts amending the same.

(Prepared and brought in by
Sir John Gray and Mr. Graves.)

Ordered, by The House of Commons, to be Printed,
21 February 1870.

[Bill 40.]
Under 3 oz.

A
B I L L

TO

Provide for Superannuation Allowances to Medical Officers of Poor Law Unions in England and Wales. A.D. 1870.

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to medical officers of poor law unions, who become disabled, either by infirmity or age, to discharge the duties of their offices :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 **1.** That the board of guardians of any union may, at their discretion, with the consent of the commissioners for administering the laws for relief of the poor in England, grant to any medical officer, including in that term a surgical officer, of such union, an annual allowance, under and subject to the provisions of the Act to provide for superannuation allowances to officers of the
15 unions, passed in the twenty-seventh and twenty-eighth year of the reign of Her Majesty, notwithstanding such medical officer shall not have devoted his entire time to the services of the union, and such allowance shall be paid out of the rates of the union exclusively, and no contribution shall be made thereto out of any
20 moneys voted by Parliament.

Power to guardians, with consent of Poor Law Commissioners, to grant superannuation allowance to medical officers in certain cases.

2. This Act shall be called "The Medical Officers Superannuation Act, 1870." Short title.

[Bill 70.]

Medical Officers Super- annuation.

A

B I L L

To provide for Superannuation Allow-
ances to Medical Officers of Poor Law
Unions in England and Wales.

(Prepared and brought in by
*Mr. Brady, Sir Henry Hoare, Mr. Brodick,
and Mr. Clay.*)

*Ordered, by The House of Commons, to be Printed,
10 March 1870.*

[Bill 70.]

Under 1 oz.

A
B I L L

TO

Amend the Acts of the thirty-seventh year of King George the Third, chapter one hundred and twenty-seven, and the thirty-ninth and fortieth years of King George the Third, chapter fourteen. A.D. 1870.

WHEREAS in pursuance of two Acts passed, the one in the thirty-seventh year of the reign of King George the Third, chapter one hundred and twenty-seven, intituled “An Act to shorten the time now required for giving notice of the Royal intention of 37 G. 3.
c. 127.

5 “His Majesty, his heirs and successors, that the Parliament shall meet and be holden for the despatch of business, and more effectually to provide for the meeting of Parliament in the case of a demise of the Crown,” and the other in the session held in the thirty-ninth and fortieth years of the reign of King

10 George the Third, chapter fourteen, intituled “An Act for empowering His Majesty to shorten the time for the meeting of Parliament in cases of adjournment,” Parliament may be summoned by Royal Proclamation to meet on any day not less than fourteen days from the day of the date of such proclamation, notwithstanding that Parliament was prorogued or both Houses of Par-

15 liament stood adjourned to some later day, and it is expedient to shorten the said period of fourteen days :

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

20 authority of the same, as follows :

1. This Act may be cited as “The Meeting of Parliament Act, Short title.
1870.”

2. Parliament may be summoned by a Royal Proclamation in Summoning
of Parlia-
ment.

25 manner provided by the recited Acts, to meet on any day not less than *six* days from the day of the date of such proclamation, and
[Bill 247.]

A.D. 1870. — the recited Acts, so far as they relate to such summoning of Parliament, shall be construed as if *six* days were therein substituted for fourteen days.

Meeting of Parliament.

A

B I L L

To amend the Acts of the thirty-seventh year of King George the Third, chapter one hundred and twenty-seven, and the thirty-ninth and fortieth years of King George the Third, chapter fourteen.

(*Prepared and brought in by*
Mr. Gladstone and Mr. Secretary Bruce.)

Ordered, by The House of Commons, to be Printed,
28 July 1870.

[Bill 247.]
Under 1 oz.





